



Cincinnati Police Department STAFF NOTES

February 21, 2006

Colonel Thomas H. Streicher, Jr., Police Chief



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1. ACADEMY TRAINING SCHEDULE

The Police Academy's training schedule is now available on the Department Intranet. The schedule can be accessed from the home page by clicking on Training Concepts and then clicking on the Training Schedule link. Each month's schedule may be viewed by selecting the appropriate month's tab at the bottom of the page. The current recruit class schedule with topics is also included.

It is recommended supervisors who have personnel with specific training needs review this schedule. Supervisors can schedule employees in need of training provided space is available. Supervisors should contact Lt. Anthony Carter at 357-7558 to schedule personnel.

2. POLICE RECORDS SECTION CONTACT NUMBERS

Public contact numbers for Police Records Section are as follows:

Traffic Reports	352-6459
Offense Reports	352-6479
Parking Infractions	352-6408
Other Reports	352-6469 or 352-6905
Customer Service Supervisor	352-6440

3. NEW COMPUTER AIDED DISPATCH SYSTEM CODES

To facilitate the problem solving process, Police Communications Section has programmed two new codes into the Computer Aided Dispatch system (CAD). Complaints of prostitution and panhandlers will no longer be entered and dispatched as disorderly runs. Instead the new codes will be:

"PROSTI" - for complaints of prostitution
"PANHAN" - for complaints of panhandlers

The new code types will be programmed into CAD with unit contact and hold timers similar to current disorderly run types.

4. CENTRAL VICE CONTROL SECTION CAR NUMBERS

Effective February 12, 2006, the Street Corner and Central Vice Control units combined under the Central Vice Control Section title. To accommodate the merger, a new car numbering package has been developed for the Computer Aided Dispatch system. Captain Howard Rahtz, Central Vice Control Section Commander, has been assigned Car 77. To simplify the process, the traditional 7700 and 7800 series have been retained. Generally, the 7700 series units will be assigned to officers on first shift and the 7800 series will be assigned to second shift officers.

5. CITIZEN COMPLAINT – CARMIN STARR

On January 12, 2006, Mr. Carmin Starr made several allegations involving enabling drug abuse and corruption relating to trafficking in drugs against Sergeant Mark Fowler, Police Specialist Rodney Pompey, Police Officer Terry Dukes, Police Officer Andre Miller, and Police Officer George Jason.

Mr. Starr's allegations were investigated by members of the Regional Enforcement Narcotics Unit. During the investigation a polygraph test was administered. While being tested, Mr. Starr admitted to the polygraph operator that he lied regarding the allegations he made of law violations and misconduct by members of the Police Department.

On January 30, 2006, after conferring with Mr. Ernest McAdams, City of Cincinnati Chief Prosecutor, Internal Investigations Section charged Mr. Starr with Making False Allegations of Peace Officer Misconduct (ORC 2921.15). The allegation of misconduct by the members of the Police Department has been closed UNFOUNDED.

6. REGINALD JOHNSON v. ANDERSON, ET AL.

On February 7, 2006, a Hamilton County Common Pleas jury ruled in favor of the City in the case of Reginald Johnson v. Anderson, et al. This suit was filed on July 14, 2003, alleging that Cincinnati police officers committed a violation of the plaintiff's Fourth Amendment rights by engaging in unreasonable seizure and excessive force. The plaintiff filed additional state law claims regarding intentional infliction of emotional distress, false arrest and false imprisonment. The complaint included a claim against the City, alleging that the City has a "policy and practice" of racial profiling.

The case was tried to a jury before Visiting Judge Crouse from Highland County. Although directed verdict motions are rarely granted, Judge Crouse granted a directed verdict for the defendants on a portion of the plaintiff's claims, including all claims against the City and on all state law claims. Finally, on February 7, 2006, the jury returned a verdict for the defense on the remaining allegations of excessive force and wrongful seizure against Police Officer Demeco Anderson and Police Officer Lori Deardorff. The City and its police officers therefore prevailed on all aspects of this case.

7. REVISION TO PROCEDURE 12.000, SHIFT LINEUP TO POLICE COMMUNICATIONS SECTION

Procedure 12.000, Shift Lineup to Police Communications Section, has been revised. Lineups will no longer be sent via computer but will be faxed to Police Communications Section (PCS) at 263-8120 or 263-8116. All changes to a previously submitted lineup will be phoned to PCS at 352-3920.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

8. REVISION TO PROCEDURES 12.537, MOBILE VIDEO/DIGITAL VIDEO RECORDING EQUIPMENT, AND 12.600, PRISONERS: SECURING, HANDLING, AND TRANSPORTING

Procedure 12.537, Mobile Video/Digital Video Recording Equipment, and Procedure 12.600, Prisoners: Securing, Handling, and Transporting, have been amended to include information concerning the utilization of the Sure Talk microphone system.

Officers will continue to check the MVR/DVR by recording themselves while standing in front of the vehicle and giving a test count. If the officer is assigned to a vehicle with a digital DVR system, they must check both Sure Talk microphones with a test count to ensure they are functioning properly, even if assigned as a solo patrol unit.

To utilize the recording capabilities of a second Sure Talk microphone, when assigned to a vehicle with a digital DVR system, the officer must remove the second microphone from the docking station and manually activate it by pressing the ACT button until it remains lit to enable it to record conversation.

When recording during the prisoner transport process, in order to activate the recording capabilities inside of a police car with the digital DRV system, one of the two Sure Talk microphones must be removed from the docking station and placed in an appropriate area inside the driver's compartment of the vehicle. The microphone must be manually activated by pressing the ACT button to record audio transmissions during the transport process.

These revisions are effective immediately. Personnel should review these procedures in their entirety. The revised procedures are available on the Intranet and on the Department web page.

9. REVISIONS TO NUMEROUS PROCEDURES TO INCORPORATE PAPERLESS EMPLOYEE TRACKING SOLUTION (ETS) SYSTEM

Effective Wednesday, February 22, 2006, at 0001 hours, the Department will transition to a paperless routing of forms within the ETS system. The completion, routing, and faxing of reports outside of ETS will no longer be required, with the exception of the Form 91SP as required for use outside the Department. All applicable reports are to be work-flowed within the ETS system.

Only original documents, defined as photographs, MVR/DVR tapes, and any document that is handwritten or contains an original signature, are to be routed by hand through channels.

In order to accommodate the paperless routing of Department forms associated with use of force and employee auto accident investigations, vehicle pursuits, citizen complaints, etc. within ETS, the following procedures have been revised:

- [12.035](#), Reporting Police Vehicular Accidents and Damage.
- [12.140](#), Canine Operations.
- [12.535](#), Emergency Operation of Police Vehicles and Pursuit Driving.
- [12.545](#), Use of Force.
- [15.100](#), Citizen Complaints.
- [19.105](#), Sick/Injured with Pay and Special Leaves.

If Employee Tracking Solution (ETS) is down due to maintenance or mechanical problems, supervisors should document the incident on the appropriate form on the H: drive. Supervisors should complete a draft copy of the report and fax it to the required units. Supervisors should then retain the draft document until ETS is operational at which point the information from the draft document should be entered into ETS and processed according to procedure.

[Attached](#) to this Staff Note is a quick reference guide to assist personnel with the completion and routing of forms within ETS.

These revisions are effective immediately. Personnel should review these procedures in their entirety. The revised procedures are available on the Intranet and on the Department web page.

10. NEW FORM 529LI, LIQUOR LICENSE INSPECTION CHECK-OFF LIST, AND REVISION OF FORM 529L, REQUEST FOR CITATION

New Form 529LI, Liquor License Inspection Check-off List, has been created to assist officers in conducting and documenting inspections of liquor permit premises in a consistent manner.

Form 529L, Request for Citation, has been revised to provide additional room for statement of facts.

To access the Forms 529LI and 529L, open the Word application. Select "New" in the file menu, select "General Templates" on the right-hand side of the screen and click on the desired form.

11. THANK YOU LETTERS

[Attached](#) to these Staff Notes are several letters of appreciation and praise written to the Police Chief for the professionalism displayed by our Department and specifically the following officers:

Captain Richard Schmalz
Police Specialist Jenny Luke
Police Specialist Kelly Raker
Police Officer Howard Grant
Police Officer Scott Beasley

Lieutenant Chris Ruehmer
Police Specialist Brian Trotta
Police Officer Kristina Holtmann
Police Officer Matt Thompson
Police Officer Will Simpson

COMMENDATIONS FOR THE WEEK OF 02/21/06-02/27/06

**LIEUTENANT DONALD J. LUCK
DISTRICT TWO**

Lieutenant Donald J. Luck has received the President's Call to Service Award from the President's Council on Service and Civic Participation. This award recognizes the dedication to volunteer service and signifies that Lieutenant Luck serves his communities and his country with distinction. Through service to others, Lieutenant Luck has demonstrated the outstanding character of America and has helped strengthen our country.

Lieutenant Luck is deserving of this commendation for demonstrating values that make our nation strong and helping to build a culture of citizenship, service, and responsibility in America.

**POLICE OFFICER THOMAS STANTON
DISTRICT TWO**

During 2005, Police Officer Thomas Stanton was assigned to District Two as the third relief traffic enforcement officer. Over the year, Officer Stanton was exceedingly proactive in traffic enforcement efforts. Officer Stanton accumulated 49 Operating a Vehicle Under the Influence (OVI) arrests, leading the Department in that specific enforcement area.

Officer Stanton is deserving of the commendation for his dedication to duty as well as his traffic enforcement skills. His actions had a direct and positive impact on the safety of the citizens of Cincinnati.

12.000 SHIFT LINEUP TO POLICE COMMUNICATIONS SECTION

Policy:

Officers will ensure lineups are accurate and complete prior to submission to Police Communications Section (PCS). The submitting officer will send the lineup in a timely manner. All districts/sections/units that have officers working in the field will submit a lineup.

Procedure:

- A. Fax lineups no later than 30 minutes before the start of each shift: 0530, 1230 or 1330, 1930, and 2130 hours, etc.
 - 1. Fax lineup to line 263-8120 (PCS Teletype) or 263-8116 (PCS Supervisor).
 - 2. Immediately telephone lineup changes to PCS at 352-3920.

12.537 MOBILE VIDEO/DIGITAL VIDEO RECORDING EQUIPMENT

References:

Procedure 12.205 – Traffic Enforcement
Procedure 12.235 – Operating a Vehicle Under the Influence (OVI): Processing & Arrest
Procedure 12.535 – Emergency Operation of Police Vehicles and Pursuit Driving
Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release

Purpose:

Establish a policy regarding the use of mobile/digital video with audio recorders in Department vehicles.

Establish a policy regarding the storage, release, and retention of mobile videotapes and digital discs.

Policy:

Original tapes/discs will not leave the custody of the Police Department. The Department will retain and preserve tapes/discs for at least 90 days, or as long as necessary for the incident subject to investigation. Tapes/discs held as evidence by districts/sections/units will be held for the required retention period. Any requests for copies of the held tape/disc will be forwarded to the district/section/unit holding the tape/disc.

Officers who fail to use the Mobile Video/Digital Video Recording equipment as required or fail to report damage to the MVR/DVR equipment are in violation of the Manual of Rules and Regulations for the Cincinnati Police Department.

Information:

Utilizing MVR/DVR equipment will facilitate the Department's objectives: to collect evidence for criminal prosecution, to provide an administrative inspection function, and assist in training officers to improve safety and tactics.

MVR tapes and DVR discs are the property of the Cincinnati Police Department and are not to be duplicated and/or used without authorization from the Police Chief or his designee.

The MVR/DVR relies completely on the police vehicle's battery for its power supply. When the battery goes dead or is disconnected, the date and time as well as the tape/disc counter may no longer be accurate. The MVR tape counter will not allow the officer to know how much room is left for recording on the tape. The date and time will also be incorrect for criminal or administrative investigations. The DVR time, date and counter must be checked for accuracy but should reset on its own.

When the DVR is activated, the thirty seconds prior to activation will be captured on the recording.

All DVR units will have the video resolution set to BEST by a supervisor. The BEST setting will allow for digital enhancement of captured data when necessary. Steps to complete this setting can be found on the Department Intranet under Manuals; Digital Eyewitness Reference Manuals page 4-9.

Incidents exceeding one hour in length will be copied to more than one CD.

Officers may use MVR/DVR equipment to record the reason for their current or planned enforcement action or to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

DVR microphones will not record conversations while stored in the docking station.

Procedure:

A. Operating and Utilizing MVR/DVR Equipment

1. MVR/DVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
 - a. All officers operating MVR/DVR equipped vehicles will wear the wireless transmitter and microphone.
2. Prior to leaving the district/section/unit, officers must ensure their MVR/DVR equipment is working satisfactorily including date and time.
 - a. Officers will check the MVR/DVR by recording themselves while standing in front of the vehicle and giving a test count. With the digital DVR system, both Sure Talk microphones must be checked with a test count to ensure they are functioning properly.
 - 1) After recording, officers will review the tape to verify the audio and video test recorded properly.
 - b. Any problems will be immediately brought to the attention of a supervisor.
 - c. Officers will complete the "In-Car Camera" portion of the Form 436A, Daily Activity Record.
 - d. Officers will check the amount of space left on the tape/disc to ensure there is an adequate amount of recording time available for the duration of the shift.
 - 1) The tape counter in an MVR equipped vehicle appears in the top left corner of the screen and indicates the amount of tape used. The maximum "count" for a tape is 12,000 (6 hours).

- a) When the tape counter has reached a count of 10,000 or above, or when the 30 minute warning light is flashing, the officer will notify a supervisor, who will change the tape.

- 1] If this occurs during the shift, officers will inform the supervisor of any recorded sequences that may be of value for training purposes.

- 2) The disc counter in a DVR equipped vehicle appears on the overhead console after initial start up and will continue to be displayed while the unit is running. The counter indicates the amount of recording time remaining on the disc. The maximum amount of space on a DVR disc set to BEST is 5 hours and 20 minutes (shown as 5.20).

- a) When the disc counter shows 30 minutes or less, the officer will notify a supervisor, who will change the disc.

NOTE: DVR counters start at the maximum number of hours and minutes available for each disc i.e., 5.20.

- e. If during their tour of duty, the MVR/DVR or audio equipment malfunctions, officers must notify their supervisor.

- 3. When turned on, MVR/DVR equipment will automatically activate when the vehicle's emergency lights are activated.

- a. The camera must be positioned and adjusted to record events appropriately. On a DVR equipped vehicle, the correct camera position will allow viewing of the push bumpers in the bottom and middle of the screen.
- b. The wireless microphone must be manually turned on when using an MVR. The wireless microphone turns on automatically with a DVR when removed from the docking station. When a second Sure Talk microphone from a DVR system is used to record audio inside a vehicle, the second microphone must be removed from the docking station and manually activated by pressing the ACT button until it remains lit.
- d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
- e. Officers must notify their supervisor if they become aware that a traffic stop or pursuit was not recorded.

- 4. Officers will use their MVR/DVR equipment to record all portions of the following incidents:

- a. Responding to calls for service while in emergency mode.
 - b. Traffic pursuits.
 - c. Traffic stops including the investigation of a vehicle and occupants already stopped or parked.
 - 1) Officers on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
 - 2) Officers assisting on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
 - d. The transporting of all persons physically arrested and being transported to an appropriate location: district, detention facility, medical facility, etc., until relieved of custody of the prisoner. The camera will be turned to face the rear seat for recording purposes.
 - 1) This includes physical arrests from traffic stops; prisoners requiring transportation which are picked up from districts, outside agencies, private security, etc.; and all original arrests which were not part of an above incident requiring initial recording of the incident.
 - e. Requests for consent to search, searches, and deployments of drug-detection canines involving vehicles, when practical.
- 5. Officers will only use tapes/discs issued by the Department.
 - a. Officers will not erase, alter, or tamper with tapes/discs.
 - 6. Each MVR/DVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises the rear seat passenger(s) that their actions and conversations will be recorded.
- B. Tape/Disc Control and Management
- 1. Except as indicated below, tapes/discs will be stored at the district/section/unit.
 - 2. Access to tapes/discs is restricted to supervisory personnel only.
 - a. District/section/unit commanders can designate a non-supervisory person to have access to tapes/discs only when necessary.
 - 3. All original tapes/discs will be stored for 90 days following the last day of use.
 - 4. Copies of the tapes/discs will be made by the district commander's designee.

5. Tapes/discs will be stored and separated in the following categories:
 - a. Assigned Tapes/Discs:
 - 1) Each MVR equipped vehicle will have 30 tapes assigned to it, labeled with the equipment number and tape number (e.g.: 04300-1.....04300-30).
 - 2) Each DVR equipped vehicle will have 30 discs assigned to it, labeled with the equipment number and disc number (e.g.: 04300-1.....04300-30). Do not write directly on the disc.
 - 3) Each vehicle will have a Form MVR1, In-car Camera Tape/Disc Log, to track tape/disc changes and 90-day retention dates. The log must be kept secured with the tapes/discs.
 - 4) Tapes/discs will be changed when:
 - a) The MVR tape counter reads 10,000 or above or the 30-minute warning light begins to flash.
 - b) The DVR disc counter reads 30 minutes or less.
 - c) The tape/disc needs to be removed for viewing or copying purposes.
 - d) There is a malfunction of the tape/disc.
 - e) Battery power is lost or the date and time are incorrect. The MVR/DVR time and the Mobile Data Terminal (MDT) time will be the same.
 - f) Directed by a supervisor.
 - b. Spare Tapes/Discs
 - 1) Each district/section/unit will have 20 spare MVR tapes available, labeled with the MVR tape number (e.g.: Spare-1 - Spare-20).
 - 2) Each district/section/unit will have 20 spare DVR discs available, labeled with the disc number (e.g.: Spare-1 – Spare-20).
 - 3) Spare tapes/discs are to be used in place of an “Assigned Tape/Disc” when the 90-day retention period has not been met.
 - 4) A Form MVR2, In-car Camera Spare Tape/Disc Log, will be completed to track the use of spare tapes/discs and their retention dates.

c. Court/Evidentiary Tapes and Discs

- 1) When tapes/discs are held for court/evidentiary purposes, the officer or supervisor will submit a Form 606, Mobile Video/Audio Recording Records Request, before the end of the tour of duty.
 - a) One copy of the tape/disc will be made and processed as normal evidentiary material in accordance with Procedure 12.715.
 - b) Copies of MVR tapes must include a portion of video from directly before and after the incident in order to be considered a "certified" copy for court. Copies of DVR discs will consist of the file containing the specific incident.
 - c) Retain the Form 606 at the district/section/unit to track copied tapes/discs.
 - d) The officer will mark all related documents with Automated Control of Evidence ("ACE") to alert the prosecutor or investigator that a copy of the tape/disc is available. "ACE" will be indicated only when the officer holds a tape/disc as evidence.
- 2) Anytime an MVR/DVR equipped police vehicle is involved in an auto accident, where the MVR/DVR is recording, or an MVR/DVR captures a police vehicle involved in an auto accident, the supervisor who completes the 90S, Supervisor's Review of Vehicle Crash, will complete a Form 606. Forward a copy of the tape/disc along with the auto accident paperwork, (i.e., 90S, BMV3303, etc.) through the chain of command to the Fleet Management Unit. The Solicitor's Office will have access to these tapes/discs as needed for lawsuits.
 - a) The Fleet Management Unit will maintain a computer database and act as a liaison with the City Solicitor's Office.
 - b) Tapes/discs not needed after 2 years will be returned to the district of assignment to be placed back in their tape/disc rotation.
- 3) Anytime an MVR/DVR equipped police vehicle is involved in a stop where an individual is arrested for Operating a Vehicle Under the Influence (OVI):
 - a) A copy of the OVI incident captured on tape(s) or disc(s) will be held as evidence. Clearly mark the Form 527, Arrest Report, and MUTT(s), Ohio Multi-

count Traffic Tag, with "ACE". Also, mark "yes" in the specific block on the Form 495.

- b) Complete a Form 606 and process the copy of the tape/disc as evidence held for court (See Procedure 12.715). Mark the copy of the tape/disc with the date and OVI number. Discs must be marked with a label. Do not write directly on the disc.
- c) If the incident is captured on a DVR disc, a second copy will be made and routed, with the OVI paperwork, to the Prosecutor's Office. This disc will be labeled with the arrestee's name, OVI number, and the incident date/time. The Prosecutor's Office will continue to obtain MVR tapes from the Court Property Unit.

C. Request for Tapes/Discs

1. Due to the training and evidentiary nature of tapes/discs, any request(s) for a tape/disc must be made prior to the end of the 90-day retention period.
2. Requests for copies of tapes/discs originating from within the Department must be submitted on a Form 606 to the district/section/unit where the tape/disc is assigned or stored.
 - a. The original tape/disc must be retained at the district/section/unit of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit. These units will notify the Officer In Charge (OIC) if a tape/disc is taken for evidence.
 - 1) The shift OIC will document tapes/discs taken as best evidence on a Form MVR3, MVR Tape/DVR Disc Custody Log, at the district/section/unit of assignment.
 - 2) A best evidence tape/disc will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
 - 3) Label a blank tape/disc with the same equipment and tape/disc number, and put back into rotation.
 - b. Officers requesting copies of tapes/discs for personal use must submit their request through Records Section.
3. Requests from outside of the Department must also be submitted on a Form 606 through Records Section to the district/section/unit maintaining the original tape/disc. OVI recorded events will only be released with the approval of the prosecutor.

- a. When a request for a tape/disc is made from outside of the Department, a second copy of the tape/disc will be made and maintained in a file at the district for one year.
 - 4. Duplicate tapes/discs will be made only after the approval of the district/section/unit commander.
 - 5. Additional blank tapes/discs can be obtained at the Supply Unit.
 - 6. Requests from the Prosecutor's Office for "ACE" Tapes/Discs
 - a. Prosecutor's Office will contact the Court Property Unit and request a copy of an "ACE" tape/disc.
 - b. Court Property Unit will complete and file the Form 606, make a copy of the tape/disc and arrange for delivery to the Prosecutor's Office.
 - 7. Requests from the Prosecutor's Office for copies of all other tapes/discs
 - a. The Prosecutor's Office will contact the district/section/unit administrative assistant or supervisor to determine if a tape/disc of the incident in question exists.
 - b. If a tape/disc exists, follow section B.5.c. (Court/Evidentiary Tapes and Discs). Make an extra copy for the Prosecutor's Office and arrange for the delivery of the tape/disc.
 - 1) Indicate on the Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
 - c. If no tape/disc exists, the administrative assistant or supervisor will call the Prosecutor's Office and advise them there is no tape/disc.
 - 8. Media requests for tapes/discs will be referred to and handled by the Public Information Office (PIO). Districts will release a copy of tapes/discs to PIO upon request.
- D. Supervisory Responsibilities
- 1. All district supervisors will:
 - a. Ensure officers follow established procedures for the use and maintenance of MVR/DVR equipment, tapes, discs, and the completion of MVR/DVR documentation.
 - b. Ensure the 90-day retention period has been met before installing the next sequential tape/disc.

- 1) If the tape/disc is available for use, it must be completely rewound (if it's a tape) and erased before re-installing into the recorder.
- 2) If the 90-day retention period has not been met, the next sequential spare tape/disc must be used instead.
- c. Fill out the tape/disc or spare tape/disc log completely and accurately each time a tape/disc is changed.
- d. Assign police vehicles with faulty or no MVR/DVR equipment as a last resort.
 - 1) Supervisors will note in their rounds why equipment without functioning MVR/DVR equipment was used.
- e. Each relief OIC will ensure a supervisor randomly selects a tape or disc to review per shift. During that review, a specific incident will be identified and reviewed in its entirety and the results will be documented on Form MVR4, Supervisor's Daily Review of MVR/DVR. These reviews will be conducted for training and integrity purposes.
 - 1) Supervisors will not review any incident they know to have been previously reviewed. Supervisors will not include the review of any incident occurring during their current shift which was reviewed in accordance with procedure, e.g., vehicle pursuits, use of force, etc.
 - 2) Supervisors conducting these reviews will file their Forms MVR4 in a separate logbook maintained by the affected district/section/unit.
 - 3) Supervisors will conduct periodic and random inspections of MVR/DVR equipment to confirm it is in proper working order.
2. Each district/section/unit will designate one supervisor to be in charge of MVR/DVR equipment and tape/disc log maintenance. The MVR/DVR supervisor will ensure:
 - a. Every 30 days, an audit of the tape/disc and spare tape/disc logs is conducted, and all tapes/discs assigned to a district/section/unit are accounted for. Any discrepancies will be brought to the attention of the district/section/unit commander.
 - 1) Any tape/disc found during this audit that has been retained for more than 90 days will be manually erased and returned to the tape/disc rotation.
 - b. Damaged or nonfunctional MVR/DVR equipment is tracked and sent for repair or replacement.
 - c. Assigned tapes/discs are replaced as necessary to maintain video/audio clarity. If the tape/disc is not clear or causes any malfunction, do not use it. Replace with a new tape/disc.

Tapes/discs used for more than ten rotation cycles will be checked to ensure video and audio clarity.

3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect MVR/DVR equipment to ensure the correct date and time are displayed on the monitor.
 4. Each relief OIC will review two randomly selected tapes/discs per week for training issues. A minimum of 3 incidents per tape/disc will be reviewed. Results will be noted in their rounds.
 5. Supervisors will review the tapes/discs in all cars of all officers listed in any Department report regarding any incident involving:
 - a. Injury to Prisoners;
 - b. Use of Force;
 - c. Injury to Officers;
 - d. Vehicle Pursuits;
 - e. Police Officer Needs Assistance Runs;
 - f. Citizen Complaints.
 6. All reports related to the above incidents should indicate "MVR/DVR Review" and if evidence was found.
- E. Maintenance, Repair, and Replacement
1. Take malfunctioning MVR/DVR equipment to the Radio Shop at 1106 Bates Avenue for repair. This service is available at all times.
 2. The Radio Shop is the liaison with the MVR/DVR vendors. The Radio Shop will conduct all repair and replacement of MVR/DVR equipment.
 3. The storage, distribution, tracking and repairs of MVR/DVR equipment will be designated in the district/section/unit Standard Operating Procedures.

12.600 PRISONERS: SECURING, HANDLING, AND TRANSPORTING

References:

Procedure 12.545 - Use of Force
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.610 - Prisoners: Guarding Hospitalized
 Procedure 12.900 - Processing Juvenile Offenders
 Procedure 18.120 - Standards for Releasing Information to the News Media
 Cincinnati Police Academy Training Bulletin #2003-1 – Sudden Custody Deaths and Positional Asphyxia
 Ohio Revised Code 2933.32 - Body Cavity and Strip Searches; Conducting Unauthorized Search; Failure to Prepare Proper Report

Definitions:

Body Cavity Search - an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any manner while the person is detained or arrested for a criminal or traffic offense.

Strip Search - an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing directly covering the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any manner while the person is detained or arrested for a criminal or traffic offense.

Policy:

Arresting officers who suspect a prisoner of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death will immediately request a supervisor and the Cincinnati Fire Department respond to the scene.

Arresting officers must maintain control of prisoners until relieved by a supervisor, Hamilton County Sheriff's Office employee, or other law enforcement agency.

Immediately notify a supervisor when prisoners have visible or claimed injuries, or when any Hamilton County detention facility refuses admission.

Investigating supervisors will ensure all officers who witnessed a use of force or injury to prisoner provide a statement regarding the incident. Refer to Procedure 12.545, Use of Force, to determine if the statement is required to be tape recorded. The investigating supervisor will ensure all use of force and injury to prisoner reports identify all officers who were involved in the incident or on the scene when it occurred. The investigating supervisor will ensure all use of force and injury to prisoner reports indicate whether medical care was provided, and whether the subject refused medical treatment.

Arresting officers are responsible for minor and adult dependents of physically arrested persons. Physically or mentally impaired adults are examples of adult dependents. Arrested persons can advise with whom they want their dependents placed. Record the location of minor or adult dependents in the district/unit blotter.

Call the Hamilton County Department of Job and Family Services when unable to place dependents with responsible adults.

For minors, call 241-KIDS.

For dependents 60 and over, call 421-LIFE.

The transporting officer has a duty of care to protect the prisoner from injury. Officers transporting prisoners will not become involved in any other activity unless there is a clear and grave risk to a third party and the risk to the prisoner is minimal. Officers should always be aware of intentional diversions that may be used to free a prisoner.

When transporting prisoners to another agency, the transporting officer will notify that agency when the prisoner is considered an unusual security risk. The transporting officer may request the receiving agency provide additional restraints or officers.

Prisoners are only allowed to communicate with a physician, attorney, or immediate family member with approval of arresting officer.

Information:

The following factors place an individual at a higher risk for positional asphyxia:

- Cocaine induced delirium – a side effect suffered by some cocaine users characterized by disorientation, hallucinations, and an increased heart rate.
- Other drug/alcohol use – intoxication may reduce respiratory function.
- Physical build – obesity can increase an individual's risk.
- Environment – extreme temperatures increase risk.
- Underlying health problems – asthma, emphysema, and heart disease.
- Involvement in a struggle lasting longer than three minutes.
- Pressure applied to back during arrest.
- Suspect position – suspects on their stomach, particularly on a hard surface, are at increased risk.

Procedure:**A. Handcuffing**

1. When possible, handcuff all prisoners with their hands behind their back. Apply handcuffs between the hand and protruding wrist bone with the prisoner's palms facing out and the keyholes facing up.
 - a. Apply handcuffs directly over the skin. Never apply them over clothing or jewelry. They should be reasonably snug and double locked.
2. Do not leave handcuffed individuals prone on the ground. Once individuals are under control immediately move them to a seated position as soon as possible.
3. When necessary, handcuff physically handicapped, injured, or pregnant prisoners in front.
 - a. Two officers will transport a prisoner handcuffed in front of the body.
4. When handcuffing two prisoners together, use the right wrist to right wrist or left wrist to left wrist method.
 - a. Do not handcuff male prisoners to female prisoners or adults to juveniles except in emergency arrest situations.
5. Remove handcuffed persons from public view as soon as possible.
6. For officer safety, it may be necessary to temporarily handcuff citable persons or persons under investigation.
7. On a case by case basis, officers are permitted to temporarily remove handcuffs from arrested persons for various reasons:
 - a. Seriously injured and requiring medical treatment.
 - b. Interviewing and processing (fingerprints/OVI arrests).
 - 1) Prisoners will be thoroughly searched prior to removing handcuffs.
 - 2) Two officers will remain with unhandcuffed prisoner(s).
8. When transferring a prisoner from one set of handcuffs to another, keep the original handcuffs on the prisoner. Place the second set of handcuffs on the prisoner underneath the first pair, ensuring handcuff keyholes are accessible.

B. Prisoner Searches

1. Thoroughly search all handcuffed prisoners from the rear.
2. Transporting officer(s) will conduct a separate and additional search of prisoners coming into their custody.
3. Whenever possible, use female officers to search female prisoners and male officers to search male prisoners.
 - a. If necessary, handcuff opposite sex prisoners and watch them until an officer of the same sex arrives to complete a detailed search.
 - b. When opposite sex searches must occur, limit the search to finding weapons.
 - 1) Use the blade edge of the hand.
 - 2) Retrieve weapons immediately from any body area when there is immediate danger.
4. Strip searches and body cavity searches:
 - a. Perform a strip or body cavity search only when there is probable cause to believe the prisoner is concealing evidence, contraband, or weapons.
 - b. A supervisor must approve and sign a Form 602, Search Authorization, before:
 - 1) A police officer conducts a strip search.
 - 2) A search warrant for a body cavity search is sought.
 - c. Only officers of the same sex will conduct strip searches.
 - d. Only one officer will conduct a strip search.
 - 1) Have an officer just outside the view of the search in case the searching officer needs help.
 - 2) The officer conducting the search will not, under any circumstances, insert their finger or any other instrument into a prisoner's orifice during the strip search.
 - 3) If, while conducting a strip search, the officer visually observes what is believed to be contraband partially protruding from the prisoner's orifice (vagina or anal cavity), the officer will request the prisoner to remove the object.
 - 4) If the prisoner refuses to remove the object, the officer will not attempt to remove it. A body cavity search warrant will be required to recover the contraband.

- 5) The officer who observed the contraband in a prisoner's orifice should immediately end the strip search and follow the guidelines for obtaining a body cavity search warrant.
- e. After getting a search warrant for a body cavity search, respond to University Hospital to conduct the actual search.
- 1) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.
 - 2) A doctor, registered nurse, or practical nurse licensed by the State of Ohio must perform the body cavity search. No one is permitted to witness the search.
 - 3) If the prisoner refuses to allow a medical professional to conduct the body cavity search in accordance with the search warrant, the officer will:
 - a) Notify a supervisor.
 - b) List the medical professional on the Form 527, Arrest and Investigation, as a witness to the presence of the contraband if they saw it.
 - 4) A person suspected of having contraband in an orifice will not be accepted at a detention facility. A supervisor will contact the Duty Officer or Night Chief for further instructions.
 - 5) If the prisoner consents and the medical professional refuses to conduct the body cavity search, a supervisor will notify the Duty Officer or Night Chief for further instructions.
- f. After transporting prisoners to the Hamilton County Justice Center (HCJC), officers will advise the Hamilton County Sheriff's deputies when they believe a prisoner is concealing contraband.
- 1) Hamilton County Sheriff's deputies maintain a list of offenses for which they routinely conduct strip searches.
 - 2) Department personnel must have an approved Form 602 prior to requesting sheriff's deputies to conduct a strip search.
- g. Officers transporting prisoners to the Hamilton County Juvenile Court Youth Center (HCJCYC) will not attempt to conduct a strip search within that facility.
- 1) After transporting prisoners to HCJCYC, officers will advise the detention facility employee when they suspect a prisoner is concealing contraband in an orifice or other areas of the genitalia.

- 2) The detention facility employee will notify the Supervisor on Duty (SOD), who will respond and make the final decision whether to conduct a strip search of the prisoner.
 - a) The officer must be able to adequately articulate probable cause to justify a strip search.
- 3) If the SOD refuses to authorize a requested strip search, the requesting officer will advise a supervisor, who will evaluate the circumstances and complete a Form 17 Incident Report if the refusal is believed to be unwarranted.
 - a) The SOD is required to complete an Incident Report to the HCJCYC facility superintendent whenever they refuse to conduct a requested strip search.
- h. After strip or body cavity searches, the officer who conducted the strip search or authorized the body cavity search must give the person searched a completed copy of the Form 602.
- i. Immediately forward the original Form 602 to the Police Chief.
 - 1) Inspections Section files the original.
 - 2) The originating unit files a copy.
5. Persons in custody suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death, i.e., drugs, poison, etc.
 - a. Immediately request a supervisor and Cincinnati Fire Department (CFD) respond to the scene. If necessary CFD will transport the suspect for immediate medical treatment. If CFD requests the Police Department transport, the following guidelines apply:
 - 1) Immediately transport any subject 13 years of age and older, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to University Hospital.
 - a) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.
 - b) If unable to gain consent, a supervisor will determine the proper course of action.
 - 2) Immediately transport any subject 12 years of age and under, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to Children's Hospital.

- a) Children's Hospital's policy is to perform stomach pumping only for medical reasons with or without parental consent. The hospital will give the recovered evidence to the police.
 - b. The responding supervisor will conduct a thorough investigation of the incident and complete a Form 18I, Injury to Prisoner, for the ingestion.
- C. Holding/Interviewing Prisoners in Police Facilities
 - 1. Do not use police facilities as jails or holding cells.
 - a. Use interviewing rooms for processing and interviewing persons or prisoners on official police business.
 - 1) Never leave prisoners alone.
 - 2. The district/section/unit officer in charge (OIC) and desk personnel will remain informed about prisoners in their station. They will:
 - a. Provide pertinent information when answering phone calls about prisoners in custody, or previously in custody.
 - 1) Refer to Procedure 18.120, Release of Information and Public Records, for guidelines in releasing prisoner information to the public.
 - 2) When callers need more information, refer them to HCJC Intake or the HCJCYC.
- D. Prisoner Transporting
 - 1. All prisoners subject to physical arrest will be transported to the appropriate facility.
 - a. When transporting a prisoner, the MVR/DVR will be activated for recording purposes. The camera will be turned to face the rear seat to record the prisoner's actions for the entire transport. With the digital DVR system, to activate the recording capabilities inside of a police car, one of the two Sure Talk microphones must be removed from the docking station and placed in an appropriate area inside the driver's compartment of the vehicle. The microphone must be manually activated by pressing the ACT button to record audio transmissions during the transport process.
 - b. Use the transport command (TR) on the MDT and enter the location to where the prisoner is being transported in brackets []

not parentheses (), and enter the starting mileage when beginning transport. Upon arrival, use the transport complete command (TRC), and enter the ending mileage.

Example: TR [HCJC], start mileage 12345
TRC, end mileage 12348

- c. Receive permission from a supervisor before transporting a prisoner to any hospital or other non-police facility.
- d. Arresting officers involved in a use of force, other than the use of chemical irritant or the deployment of the X26 Taser, will not transport a prisoner who is the subject of the use of force.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident. Neutral officers will respond and transport the prisoner.
- 2. When arresting officers cannot transport their own prisoner, they must provide transporting officers the completed paperwork or at least the minimum following information:
 - a. Name, badge number, and unit of the arresting officer.
 - b. Specific charge(s) placed against the prisoner.
- 3. When possible, two officers will transport a prisoner who is incapacitated from intoxication or injury to prevent falls or additional injury.
- 4. Two officers will transport a prisoner on a stretcher. The second officer will ride in the rear to monitor the prisoner and to give or summon medical aid if necessary.
 - a. Whenever possible, officers will place the prisoner on their back to avoid positional asphyxiation and/or cocaine psychosis.
- 5. Never leave a prisoner unattended inside a vehicle.
- 6. Search seating areas of transporting vehicles before and after each prisoner transport.
- 7. Use marked police vehicles equipped with screens.
 - a. In vehicles with security screens, transport a single prisoner on the right side of the rear seat.
 - b. Use the seat belt and lap restraint bar whenever possible.
 - c. Engage the rear door and window locking system on vehicles having this option.
 - d. Secure sliding partition in vehicles equipped with Plexiglas.

8. One officer may transport two prisoners provided the vehicle is equipped with a security screen and both prisoners are secured in the rear seat with seat belts.
 - a. No more than two prisoners will be transported in any one Department vehicle, with the exception of the Personnel Transport Van stored at District One.
9. Officers will not transport prisoners in a vehicle without a screen.
 - a. Under exigent circumstances a supervisor may approve the transport of a prisoner in a vehicle without a screen.
 - 1) When transporting in vehicles without screens, use two officers. The second officer sits in the rear seat behind the driver with the prisoner to their right.
10. Personnel Transport Van
 - a. Districts/sections/units can borrow the Personnel Transport Van parked in the 14th Street lot behind District One.
 - 1) Request the keys from a District One shift supervisor.
 - 2) Make a blotter entry at District One showing the:
 - a) Operating officer and unit of assignment.
 - b) Date, time, and expected return.
 - c) Reason for using the vehicle.
 - b. Notify the HCJC when expecting physical arrests numbering 20 or more.
11. Hamilton County Sheriff's Patrol Wagon
 - a. Request the Hamilton County Sheriff's Patrol Wagon in advance when expecting numerous physical arrests at planned events.
 - 1) Call the HCJC Intake supervisor to request the wagon.
12. Upon arrival at the appropriate detention facility, officers will:
 - a. Secure their firearms in the provided lock box or the trunk of the police vehicle.
 - b. Remove restraining devices from prisoners inside the detention facility.
 - c. Deliver all applicable arrest forms to the receiving officer.
 - d. Obtain a signature for receipt of the prisoner.

E. Handling or Transferring Prisoners of Other Local Police Agencies

1. Officers will verify the identity of a prisoner accepted from another agency prior to transporting the prisoner to a detention facility.
 - a. Compare the other agency's paperwork with the identification and information (name, address, DOB, Social Security number, etc.) provided by the prisoner.
 - b. Officers will ensure that all necessary paperwork accompanies the prisoner.
 - c. Officers should note on the Form 527 any known or suspected escape or suicidal tendencies and notify the detention facility.
2. When arresting an individual on a warrant issued by another local police agency, the officer will:
 - a. Cite according to Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders, completing a Form 314, Notice to Appear, if the warrant was issued by a Hamilton County jurisdiction, except Mayor's Court, and does not require a physical arrest.
 - b. Immediately arrange to transfer the prisoner into that agency's custody if the warrant is for Mayor's Court.
 - c. Transport to the HCJC Intake if the warrant is not citable.
 - d. When an officer makes an original physical arrest and the individual has an outstanding warrant from another jurisdiction, list the information on a Form 527 and contact the appropriate jurisdiction to send a holder to Intake.
 - e. When arresting an individual on a warrant issued by an adjoining county, with no original charges from our department, immediately arrange to transfer the prisoner into that agency's custody.
 - 1) Contact the agency by phone to confirm the time and place of transfer. If possible, arrange to meet in the field.
 - 2) When bringing a prisoner into a Cincinnati Police facility to wait for the other agency, remain with the prisoner until the other agency takes custody or until relieved by a supervisor.

F. Prisoner Injuries

1. Officers will document prisoner injuries occurring before police control on a Form 527.
2. Per Procedure 12.545, Use of Force, a supervisor will complete a Form 18I, Injury to Prisoner, when a prisoner is injured, not the result of force, while under or just prior to police control.

G. Hospitalized Prisoners

1. If not citable, complete a Form 527. Include in the "Facts" section:
 - a. The name of the hospital.
 - b. A brief description of the injury, illness, or mental condition.
 - c. A complete description of the prisoner's clothing, and anything else to help identify or locate the subject in case of escape.
2. When a prisoner is hospitalized at University Hospital:
 - a. Notify the University of Cincinnati (UC) Police.
 - 1) Complete holder forms when requested by UC Police.
 - 2) Write the phone number of Police Communications Section (PCS) on hospital holder forms and the yellow copy of Form 527.
 - 3) Ask UC Police to notify PCS before discharging the prisoner.
 - b. Staple the yellow copy of Form 527 to the top copy of the holder form and request UC Police keep the paperwork with the prisoner for the next transporting officer. Hospital holder forms stay at the hospital.
 - c. Refer to Procedure 12.610, Prisoners: Guarding Hospitalized, for guidelines in guarding prisoners at University Hospital.
3. When a prisoner is hospitalized at any other hospital:
 - a. Notify hospital security.
 - b. Request hospital security keep the yellow copy of Form 527 with the prisoner for the next transporting officer.
 - c. Write the phone number of PCS on the yellow copy of Form 527.
 - d. Ask hospital security to notify PCS before discharging the prisoner.
4. Processing the Form 527, Arrest Report

- a. During normal business hours – Monday through Friday from 0730 to 1700 hours, immediately deliver the Form 527 and complaints/warrants to the Records Section, City Hall, 801 Plum Street, Room 328.
 - 1) Records Section will immediately enter the arrest information into the computer, placing the case on the next available court docket.
 - a) Officers will remain at the Records Section until the arrest information is entered. Officers will then hand deliver the completed forms to the Hamilton County Clerk's Office.
 - b. For all other times (Monday through Friday from 1700 to 0730 hours, weekends, and holidays) immediately deliver the Form 527 and complaint/warrants to the Hamilton County Justice Center (HCJC) Intake.
 - 1) HCJC will make a computer entry of the hospitalized prisoner case information, placing it on the next available court docket.
 - a) HCJC will deliver completed forms to the Hamilton County Clerk's Office.
 - c. For juvenile prisoners, immediately deliver the Form 527 and complaints/warrants to the Juvenile Court Clerk's Office, 2020 Auburn Avenue.
5. Prisoner released from a hospital.
- a. If the prisoner was admitted, PCS will dispatch a uniformed unit from the district where the hospital is located.
 - b. If the prisoner was treated at the emergency room but not admitted, PCS will dispatch a uniformed unit from the arresting officer's district/section/unit.
 - c. Transporting officers will:
 - 1) Contact hospital security to get the yellow copy of the original Form 527.
 - 2) Query the prisoner through RCIC/NCIC.
 - 3) Contact the Hamilton County Clerk's Office to check for any new charges filed on the prisoner.
 - 4) Contact the Central Warrant Processing Unit (CWPU) to determine if the court issued a capias on the prisoner.
 - a) If a capias was issued for the original charge, complete a new Form 527.

- b) Attach the yellow copy of the old Form 527 to the new Form 527.
- 5) Unless the prisoner has a capias, the only paperwork needed for transportation is the yellow copy of the original Form 527.
- 6) Handcuff, search, and transport a hospitalized prisoner the same as original arrests.

H. Prisoner Escapes

- 1. Immediately notify PCS.
- 2. PCS will make an all county broadcast (ACB) and include the following information:
 - a. A complete description of the prisoner.
 - b. Method and direction of travel if known.
 - c. Offense the subject was in custody for.
 - d. Prisoner's home address or other possible destination.
 - e. Any other pertinent information.
- 3. Notify a supervisor.
- 4. The investigating supervisor will notify the involved district/section/unit OIC. Notify the Night Chief if during working hours.
- 5. The OIC of the involved district/section/unit will submit a Form 17 to the Police Chief detailing the circumstances of all prisoner escapes and attempts.
- 6. File appropriate charges against the escapee.

I. Transporting Sick, Injured, or Disabled Prisoners

- 1. Sick or injured prisoners.
 - a. If a prisoner becomes sick or injured subsequent to arrest, officers will immediately seek medical attention.
 - b. Prisoners will remain handcuffed if possible.
 - c. If possible, transport the prisoner to University Hospital and notify a supervisor. If the prisoner is 12 years of age and under, transport to Children's Hospital.
 - d. If the illness or injury requires EMT or paramedics, summon the Fire Department to render aid and transport the prisoner to the hospital.

- 1) Notify a supervisor and another unit if the transporting unit is one-person.
 - 2) One officer will remain with the prisoner while the other responds to the hospital in non-emergency status.
2. Transporting physically and mentally disabled prisoners
 - a. Officers will transport a physically or mentally disabled prisoner using a vehicle appropriate for providing the necessary care for the prisoner.
 - b. If a patrol vehicle is not appropriate consider using the following:
 - 1) Scout car.
 - 2) Prisoner van.

12.035 REPORTING POLICE VEHICULAR ACCIDENTS AND DAMAGE

Reference:

Procedure 12.225 - Vehicular Crash Reporting

Procedure 12.435 – Reporting Conditions Affecting Other Departments – Form 318

Procedure 12.535 - Emergency Operation of Police Vehicles and Pursuit Driving Traffic Crash Report Procedures - Ohio Department Highway Safety

Administrative Regulation #52 - Substance Abuse Policy

Definitions:

Police Motor Vehicle Accident - an occurrence that results in property damage and/or injury and meets the following conditions:

1. It is an accident.
2. It involves a motor vehicle that is owned or leased by the City of Cincinnati or the Police Department, or is under the control of a Police Department member during the performance of official duties.

When a disabled vehicle is moved utilizing “push-bumpers” and damage occurs to either vehicle, the incident is not considered a vehicular accident.

Category 1 (negligent) - Department rules require members to obey all laws. A Department member is negligent (has committed a Category 1 violation) for purposes of this policy if they are found to be at fault for a vehicular accident and the member has violated a minor misdemeanor provision of the Cincinnati Municipal Code (CMC) or the Ohio Revised Code (ORC), or an applicable statute from another jurisdiction.

Category 2 - All Department members are required to know and adhere to Department policy and procedure regarding the emergency operation of police vehicles.

For purposes of this policy, a member has committed a Category 2 violation if they are found at fault for a vehicular accident and they have violated any provision of Procedure 12.535, Emergency Operation of Police Vehicles and Pursuit Driving; or they are found at fault for a vehicular accident and have violated a provision of the CMC, ORC, or an applicable statute from another jurisdiction that is a higher offense than a minor misdemeanor.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

Provide for the investigation and uniform reporting of police vehicular accidents and damage to police vehicles. Police vehicles include automobiles, motorcycles, bicycles, trailers and horses.

Policy:

Department members will be subject to corrective and/or disciplinary action for motor vehicle accidents where they are found to be at fault and have committed a Category 1 or 2 violation.

Procedure:**A. Documentation Needed for Accidents**

1. Form OH-1, Ohio Traffic Crash Report
2. Form 90SP, Supervisors Review of Vehicle Crash. The following must be investigated at the scene by a supervisor:
 - a. When vehicle is in motion with a driver.
 - b. When vehicle is in motion without a driver.
 - c. When vehicle is parked on public or private property.
 - d. When a bike, horse, etc., is struck by a motor vehicle.

B. Police Vehicles Involved in Auto Accidents

1. The operator of any police vehicle involved in any vehicular accident will:
 - a. Allow all involved vehicles to remain in the post-accident position if traffic conditions permit. With the exception of emergency circumstances, do not remove the vehicle(s) from the immediate vicinity.
 - b. Provide any necessary aid and transportation for the injured.
 - c. Immediately request Police Communications Section (PCS) to dispatch a district car and district/section/unit supervisor to investigate the accident.
 - 1) It is the responsibility of the supervisor of the district/section/unit to which the operator is assigned to conduct the supervisory portion of the investigation.
 - a) If the responsible district/section/unit has no available supervisor, the nearest available district supervisor will conduct the investigation and will forward the forms to the vehicle operator's unit of assignment for review and processing.
 - 2) If a horse is the police vehicle involved in an auto accident and the horse receives an injury, unless the injury is very minor, the investigating supervisor will request a Mounted Squad supervisor respond, including recall if necessary.

- 3) If a serious accident involving a police vehicle occurs, the investigating supervisor will request Traffic Unit respond, including recall if necessary.
- 4) The investigating supervisor will also have PCS notify the Fleet Management Unit Supervisor while at the scene if any of the following apply:
 - a) A police vehicle has sustained substantial damage.
 - b) Traffic Unit conducts the investigation.
 - c) The accident results in serious injury to an officer or citizen.
 - d) A police vehicle requires immediate mechanical inspection or examination.
- 5) The investigating supervisor will ensure, if possible, photographs are taken of damage to all involved property.

2. Required reports

- a. When police equipment is involved in an auto accident, even if on private property, supervisors will ensure the following steps are completed:
 - 1) Form OH-1 completed by the investigating officer.
 - 2) Form 90SP completed by the investigating supervisor.
 - 3) Form BMV3303, Ohio Motor Vehicle Crash Report, only required if a driver cannot show proof of insurance at the accident scene.
 - a) The Fleet Management Unit will forward the Form BMV3303 to the Ohio Bureau of Motor Vehicles (BMV) when required.
 - b) Officers will be required to sign the Form BMV3303 when the driver of an involved vehicle is uninsured. The Form BMV3303 is then forwarded to Fleet Management Unit.
 - 4) The investigating supervisor will scan the Form OH-1 and Form BMV3303 if applicable, into the computer and attach to the appropriate ETS case folder.
- b. If the accident causes damage to other City property, e.g., fire hydrant, the investigating supervisor will prepare a Form 318, Conditions Affecting Other Departments, in accordance with Procedure 12.435.

3. The vehicle operator's supervisor will make a blotter entry briefly describing the facts of the accident. Indicate the necessary reports have been completed.
 4. The supervisor will make the appropriate entries in the police vehicle jacket.
 5. The investigating supervisor will examine the damaged vehicle to determine if it is safe for use. Consider both mechanical defects and unsightliness. If unsure if the vehicle is safe to use, call the Fleet Management Unit Supervisor.
 - a. Tow or drive the vehicle to the Fleet Services body shop if the vehicle is removed from service.
 - b. During regular Fleet Services working hours of 0800-1630, if the vehicle is safe for patrol duty, take it to Fleet Services for an estimate at the body shop.
 - c. After regular Fleet Services working hours, the first shift officer in charge (OIC) will send the vehicle to the Fleet Services body shop after 0800 hours on the next regular working day for an estimate.
 - d. The officer taking the vehicle to the body shop will take the BMV3303 only if it was completed due to the involvement of an uninsured motorist. Body shop personnel will fill out the BMV3303. The officer will then sign the BMV3303 and forward it to the Fleet Management Unit.
 - e. The supervisor will enter the estimate in the blotter and on the Form 90SP.
- C. Documentation Needed for Non-Auto Accident Incidents
1. Immediately notify a supervisor in the district of occurrence of the incident.
 2. Do not complete a Form 90SP. Supervisors will ensure the necessary forms are completed based on the cause of the damage.
 - a. Damage (scratches, dents, body damage, etc.) not the result of a criminal act is reported on a Form 317, General Conditions Report.
 - b. Damage (broken window, flattened tire, radio antenna broken, etc.) which is the result of a criminal act is reported on a Form 301, Incident Report. An estimate will be completed by Fleet Services for possible restitution when criminal charges are filed. All forms will be sent through the chain of command and forwarded to the Fleet Management Unit.

- c. Incidents occurring which result in personal injury or property damage by police equipment (collisions involving Department bikes, horses, etc., with persons or property) are reported on a Form 301.
 - 1) If injury or damage is due to horse involvement, a Mounted Squad supervisor will investigate the incident and ensure a Form 301 is completed. If unavailable, notify a Park Unit supervisor.
 - a) If neither of the above are available, notify a supervisor in the district of occurrence.
 - b) In all cases, the supervisor notified will prepare a Form 17 with all pertinent facts and route through the chain of command.
- 3. Supervisors are to adhere to section B.4. and B.5. of this procedure when police vehicles are damaged.

D. Progressive Corrective and/or Disciplinary Action

- 1. Progressive corrective and/or disciplinary action will be administered for Department members involved in Category 1 and Category 2 vehicular accidents.
 - a. Department members will be subject to disciplinary action for auto accidents where they are found to have been negligent and any of the following apply:
 - 1) The member has been found at fault in four or more Category 1 motor vehicle accidents within a 24-month period.
 - 2) The member has been found at fault in two or more Category 2 motor vehicle accidents within a 24-month period.
 - 3) The member has been found at fault in three Category 1 and one Category 2 motor vehicle accidents within a 24-month period.
 - 4) The member has been found at fault in a Category 1 or Category 2 motor vehicle accident that resulted in serious injury, as defined by ORC 2901.01(E), or death.

E. Uniform Corrective/Disciplinary Action Guidelines

- 1. Mitigating factors, such as injuries and property damage, will be considered to affix disciplinary penalties within the range indicated by this policy. Disciplinary action will be added to Employee Tracking Solution (ETS) vehicle crash case folder by using the "Add Employee Supplement Log" or "Add Attachment" function, or both.

- a. Category 1 Accidents (24-month period):
 - 1st Category 1 accident: ESL entry.
 - 2nd Category 1 accident: ESL entry and driver's training.
 - 3rd Category 1 accident: Written Reprimand and driver's training.
 - 4th Category 1 accident: Pre-disciplinary Hearing.
 - Sustained finding for 4th Category 1 accident: 8 hours suspension.
 - Sustained finding for 5th Category 1 accident: 8 - 24 hours suspension.
 - Sustained finding for 6th Category 1 accident: 24 - 40 hours suspension.
 - Sustained finding for 7th Category 1 accident: 40 hours suspension – dismissal.
- b. Category 2 Accidents (24-month period)
 - 1st Category 2 accident: Written Reprimand and driver's training.
 - 2nd Category 2 accident: Pre-disciplinary Hearing.
 - Sustained finding for 2nd Category 2 accident: 8 - 24 hours suspension.
 - Sustained finding for 3rd Category 2 accident: 24 - 40 hours suspension.
 - Sustained finding for 4th Category 2 accident: 40 hours suspension – dismissal.

F. Responsibilities of District/Section/Unit Commanders

1. District/section/unit commanders will carefully analyze and evaluate all accidents involving personnel under their command. They will arrange appropriate corrective training and make disciplinary recommendations. The primary objective is to identify the accident prone and careless driver. The district/section/unit commander will:
 - a. Initial and make recommendations/comments in Block 33 of Form 90SP.
 - b. Work-flow the completed Form 90SP and attached documents through the chain of command to the Fleet Management Unit. Route the hard copy of the BMV3303 through channels to the Fleet Management Unit, if applicable. Photographs are retained

in the vehicle jacket at the district/section/unit.

2. All reports of police vehicle accidents will be reviewed by the affected district/section/unit commander and forwarded to the affected bureau commander for review. If the circumstances listed under Section E.1. apply, a pre-disciplinary hearing will be scheduled. The Resource Bureau Commander is the Department Hearing Officer for police vehicle accidents in this procedure.
3. The Fleet Management Unit, upon receipt of Forms 90SP, OH-1, and BMV3303, will:
 - a. Examine the reports for completeness and accuracy and evaluate the facts of the accident.
 - 1) Forward copies of Forms 90SP, OH-1, and Fleet Services estimate to Fleet Services Subrogation Section when an outside party is at fault.
 - b. Send the signed original Form BMV3303 to the BMV when required.
 - c. Send a form letter to the BMV with pertinent information from the Form OH-1 to ensure sworn personnel do not receive points on their driver's license for on-duty accidents.
 - d. File a copy of the Form 90SP in the vehicle jacket:
 - e. Work-flow the information to Training Section for additional training when recommended.
 - f. Finalize the case in ETS.

G. Post-Accident Testing

1. As soon as practical following a vehicular accident involving a Department member, while in the course and scope of duty and/or who was operating a city vehicle, the member shall be tested for drugs and alcohol if:
 - a. The accident involves the loss of human life, or
 - b. The member receives a citation under state or local law for a moving violation arising from the accident.
2. A member who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a member from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

- a. The results of blood or breath tests for alcohol detection, or urine tests for drug detection, which are conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state, or local requirements and the results are obtained by the city.
- 3. Members required to take a post-accident alcohol test shall not use alcohol for eight hours following the accident or until the member undergoes a post-accident test, whichever comes first.
 - a. If an alcohol test is not administered to the member within two hours following the accident, the supervisor will prepare a Form 17 stating the reasons the test was not administered.
 - b. If an alcohol test is not administered to the member within eight hours following the accident, attempts to administer an alcohol test shall cease and the supervisor will prepare a Form 17 stating the reasons the test was not administered.
- 4. If a drug test is not administered to the member within 32 hours following the accident, attempts to administer a drug test shall cease and the supervisor will prepare a Form 17 stating the reasons the test was not administered.
 - a. CONSENTRA Medical Center, located at 4623 Wesley Avenue Suite C, Cincinnati, will administer drug tests Monday through Friday, 0800 hours to 1600 hours.
 - b. The Jewish Hospital, 4777 E. Galbraith Road, will administer drug tests from 1600 hours to 0800 hours and on weekends.

12.140 CANINE OPERATIONS

Reference:

Procedure 12.141 - Narcotic Detection Canines
Procedure 12.545 - Use of Force
Procedure 12.905 - Fingerprinting and Photographing of Juveniles
Procedure 19.105 - Sick/Injured With Pay & Special Leaves

Definitions:

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

To familiarize Department personnel with canine operating procedure and policy that incorporate the handler-controlled alert curriculum and to ensure the best use of canine teams. This curriculum is implemented to prevent, through canine training and handler control over the canines, any bite except for those occurring under the circumstances specified in section A.3.e. below.

Educate supervisors on the appropriate uses of canine teams to ensure effective utilization and management in deployment situations.

Policy:

The primary use for Department canine teams is as a finding tool. Once a suspect is located, with limited exceptions, the handler will restrain the canine and summon sufficient personnel and equipment to make the apprehension. Force, including a canine, is never to be used against a compliant subject who is submitting to arrest.

Off-leash deployments, searches, and other instances where there is a significant risk of a canine bite to a suspect shall be limited to searches of commercial buildings or instances where the suspect is wanted for an offense of violence or is reasonably believed to have a weapon.

Patrol canine teams are normally assigned to such tasks and areas as directed by the Special Services Section Commander. Handlers will maintain control of the canine and be diligent to ensure the safety of the general public.

Except for training purposes, no teasing, petting, or feeding of the canines by police or civilian personnel is permitted without the handler's consent.

Information:

The Cincinnati Police Department utilizes three types of canine teams:

- Patrol
- Explosives Detection

- Narcotic (Drug) Detection

Police canines are not infallible. Their effectiveness depends largely upon the intelligent application of their capabilities. Police canines react instinctively to situations. Anyone making a sudden or threatening move toward the canine or handler risks the chance of the canine engaging and causing injury.

Do not enter a search area before the canine team arrives. Police canines can pick up the scent of a suspect for a reasonable time after he has fled provided there is no contamination of the scene.

Canine teams will normally respond to all major crimes where their presence would aid in an arrest.

Canine teams are assigned to the Park Unit and are normally available 24 hours a day. In cases of emergency, when no canine teams are on-duty, a canine team may be recalled through Police Communications Section (PCS). PCS will recall canine teams using a specific rotation schedule.

District commanders may request canine teams for special or extended assignments through the Special Services Section Commander.

Procedure:

A. Use of the Patrol Canine:

1. An on-duty Canine Squad supervisor must authorize a canine deployment (canine released from the car or announcement made that canine will soon be released). The supervisor in charge of the scene will make the decision to deploy a canine team if an on-duty Canine Squad supervisor is unavailable.
 - a. The supervisor must respond to the scene.
 - b. The supervisor must consider all three of the following criteria, and ensure at least one of them is met, before authorizing an off leash canine deployment:
 - 1) Search of a commercial building;
 - 2) Suspect is wanted for a crime of violence; or
 - 3) Supervisor reasonably believes that suspect has a weapon.
2. Canine teams may be requested to the scene by any unit believing canine assistance will be helpful. A supervisor (as defined above in A.1.) must authorize the actual deployment of the canine. The approving supervisor shall not serve as a canine handler in the deployment.

3. The canine handler will:
 - a. Ensure the canine is secure in the police vehicle except when directly involved in a police function or the handler anticipates imminent use.
 - b. Canines will be kept on lead in areas where the public has access and contact is a probability, unless the animal is being used for a police purpose (see section A.1.b. above for off leash deployment requirements).
 - c. Recommend to the on-scene supervisor the best tactical application and deployment of the canine.
 - d. If the handler's Standard Operating Procedures (SOPs) and the on-scene supervisor's interpretation of the best tactical application and deployment of the canine conflict, the on-scene supervisor will contact the Canine Squad supervisor. If the Canine Squad supervisor is not available, contact the following personnel in order:
 - 1) Park Unit supervisor.
 - 2) Park Unit Commander.
 - 3) Special Services Section Commander.
 - e. Canine handlers will only allow their canines to engage a suspect by biting if the suspect poses a risk of imminent danger to the handler or others or is actively resisting or escaping. In the case of concealment, consistent with the use of force policy, handlers will not allow their canine to engage a suspect by biting if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension. Imminent danger means a suspect is armed with a weapon or other instrument capable of producing significant bodily injury.
 - f. In instances where a canine apprehends a suspect by biting, the handler will call the canine off at the first moment the canine can be safely released, taking into account that the average person will struggle if seized or confronted by a canine. Struggling alone will not preclude the release of the canine.
4. Tracking:
 - a. All tracking is done with the canine on leash. A canine team may be used to conduct a track if the suspect is wanted for a felony, a crime of violence, or is reasonably believed to be armed. Whenever a canine team is deployed for the purpose of performing a track, the handler will announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The announcement will be made unless the supervisor authorizing the deployment reasonably believes that the suspect is armed

and the verbal warnings will cause unnecessary danger to the officer or others. If an announcement is made, the canine handler shall wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender.

B. Tracking Guidelines

1. No one will follow the canine team on the track unless directed by a supervisor.
2. Canines will not search for other animals.
3. In extreme cases, canine teams may search for lost or missing persons. Before authorizing the use of a canine team, the supervisor must weigh the urgency of locating the person with the risk of the person being engaged by the canine.

C. Building Searches

1. A canine team may be used to conduct a search of a commercial building. Whenever a canine team is deployed for the purpose of performing a commercial building search, the handler will announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The canine handler issuing the announcement shall wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender. If the building is large, the handler will repeat the announcement loudly and clearly as the search proceeds onto different floors or parts of the building where the initial announcement may not have been heard.
 - a. If a breaking & entering offense is discovered at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. Many breaking & entering offenses at schools involve juveniles who engage in petty theft and/or vandalism. Conversely, some breaking & entering offenses occurring at schools are committed by adults intent on significant theft, such as computers and other valuable equipment.
 - 1) Officers at the scene of a school-related breaking & entering offense will investigate to determine if the offense appears to be primarily theft-related or primarily vandalism-related.
 - 2) Canine units will not be used to conduct a building search for vandalism-based breaking & entering offenses at schools. If reasonable suspicion exists that the offense is primarily theft-related, the canine unit may be used to conduct a building search, under the building search guidelines above.

- 3) If no reasonable suspicion exists to indicate whether a breaking & entering offense at a school is primarily theft-related or primarily vandalism-related, then canine units will not be used to conduct a building search.
- b. Canine units will not be used to search a residence except in extraordinary circumstances.
 - 1) The risk of innocent persons and pets being mistakenly engaged in a residence by the canine is too great.
- c. Canine units will not be used to conduct a building search on a Place Found Open (PFO) unless reasonable suspicion of a breaking & entering offense is present. If so, a canine team may be used under the building search guidelines above.

D. Article Searches

- 1. Canine teams can locate articles by alerting to the residual human scent adhering to the article.
- 2. Canine teams dispatched for evidence or property searches at a crime scene or incident will:
 - a. Meet with the on-scene supervisor regarding the property sought.
 - b. Announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The canine handler shall wait a sufficient period of time between the announcement and the canine deployment to allow anyone on the scene to surrender.
 - c. Refrain from using the canine to search for evidence in areas that present a danger to the team, including drug searches when chances of the canine ingesting or inhaling narcotics are high.

E. Canine Bites

- 1. Whenever a canine-related injury occurs, immediately render first aid to the injured person and summon medical assistance from the Cincinnati Fire Department (CFD). Further medical attention will be handled by being transported to a hospital.
 - a. The handler will complete a Form 316, Minor Accident/Aided Case/Mental Health Response Report, in all cases of injury from canines.
- 2. In the following order, the supervisor who authorized the deployment will notify one of the following supervisors, who will assume responsibility for the investigation:
 - a. The on-duty Canine Squad supervisor (if not involved in the deployment order);

- b. The on-duty Park Unit supervisor; or
 - c. If the Canine Squad or Park Unit supervisor is not available, the on-scene supervisor will then become the investigating supervisor. If the on-scene supervisor ordered the deployment, then another on duty supervisor will be responsible for the investigation.
3. The investigating supervisor will thoroughly investigate and document the incident.
- a. While still on the scene, notify a command officer using the following order:
 - 1) Special Services Section Commander.
 - 2) District Commander.
 - 3) Night Chief, if during the night hours.
 - 4) Duty officer.
 - b. Photograph the injuries.
 - 1) If photographs of juveniles are taken, the supervisor will follow Procedure 12.905, Fingerprinting and Photographing of Juveniles.
 - 2) Ensure a full body photograph of the arrested is taken along with pictures of the injury.
 - c. Tape record statements from:
 - 1) Arrestee.
 - 2) Handler.
 - 3) All witnesses who observed the apprehension.
 - d. Complete a Form 652, Release of Medical Record Information.
 - 1) If the arrested refuses to sign the release, write "Refused" in the signature block.
 - 2) The original is to be retained by the investigating supervisor and is to be forwarded through channels in the Use of Force case jacket in case there is a future need to obtain medical records.
 - e. Interview the treating physician about the extent of the injuries.
 - 1) If the physician approves, tape record the interview.

- 2) If the arrested is not treated before the end of the investigating supervisor's tour of duty, note "arrested still undergoing treatment" on the Form 18C.
- f. Prepare a Form 18C according to Procedure 12.545, Use of Force.
- g. The investigating supervisor will work-flow the completed Form 18C and all computer attachments, as well as forward all original forms, photos, and tapes, to the Special Services Section Commander for review.
 - 1) When work-flowing the Form 18C and attachments "Add Notification" to the following units:
 - a) Patrol Bureau.
 - b) Inspections Section.
- h. If the Form 18C is not complete and the investigating supervisor needs to retain the document to complete their investigation, they should work-flow the document to themselves while still notifying the above listed units by the "Add Notification" function. **Do not** use the "Add Recipient" function.

F. Use of Canine Teams Outside City Limits

- 1. The intended use of the canine team must adhere to Cincinnati Police Department guidelines.
- 2. Approval must be by a CPD captain or higher.
 - a. If a captain or higher is not available, a Special Services Section supervisor may give authorization.
 - b. If a captain or higher or a Special Services Section supervisor is not available, obtain approval from the OIC of the nearest district.
- 3. The OIC, before giving approval, will check with PCS to ensure the requesting agency is on the mutual-aid agreement list.
- 4. Statutory limitations prohibit out of state requests for service.

G. Reporting

- 1. In addition to maintaining a complete list of canine bites, the Canine Squad will also document canine deployments and canine apprehensions (whenever a canine is deployed and plays a clear and documented role in the capture of a person).
- 2. On a monthly basis, the Canine Squad will calculate bite ratios (the number of bites divided by apprehensions) by Squad and by individual canine teams.

12.535 EMERGENCY OPERATION OF POLICE VEHICLES AND PURSUIT DRIVING

Reference:

Procedure Manual 12.537 – Mobile Video/Digital Video Recording Equipment
 Ohio Revised Code 2935.031 - Policy for Pursuit in Motor Vehicle
 Ohio Revised Code 2921.331 - Failure to Comply with Order or Signal of Police Officer
 Ohio Revised Code 4511.01(d) - Definitions
 Ohio Revised Code 4511.03 - Emergency Vehicles to Proceed Cautiously Past Red or Stop Signal
 Ohio Revised Code 4511.24 - Emergency Vehicles Excepted From Speed Limitations
 Ohio Revised Code 4511.45 - Right-of-Way of Public Safety Vehicles
 Ohio Revised Code 4513.21 - Horns, Sirens, and Warning Devices
Colbert v. City of Cleveland, 99 Ohio St.3d 215 (2003)

Definitions:

Emergency Driving (General Non-Pursuit): Emergency driving is defined as the operation of an authorized emergency vehicle (emergency lights and siren in operation) by a police officer in response to a life threatening situation or a violent crime in progress, using due regard for the safety of others.

Pursuit Driving: A motor vehicle pursuit is an attempt by a law enforcement officer operating an emergency vehicle and simultaneously utilizing lights and siren to apprehend an occupant(s) of another moving vehicle, when the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing speed, disobeying traffic laws, ignoring or attempting to elude the officer.

Emergency Call: A call to duty, including, but not limited to: communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations demanding an immediate response on the part of a peace officer. Emergency calls are not limited to inherently dangerous situations.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

Ensure the safety of citizens and police officers during the emergency operation of police vehicles.

Policy:

All sworn personnel will complete any established training program regarding vehicle pursuits.

Officers must terminate their involvement in motor vehicle pursuits whenever the risks to their safety and the safety of others outweigh the consequences of the suspect's escape.

During the emergency operation of police vehicles, and prior to and during a pursuit, officers must weigh the following factors:

- Degree of risk created by pursuit to others, officer and suspect.
- Location where pursuit will take place.
- Traffic conditions and amount of pedestrian traffic.
- Road conditions.
- Time of day.
- Weather.
- Volume, type, speed and direction of vehicular traffic and direction of pursuit.
- Nature/seriousness of suspected crime.
- Condition of police vehicle and suspect's vehicle.
- Any circumstance that could lead to a situation in which the pursuing officer(s) will not be able to maintain control of the police vehicle.
- Type of vehicle being pursued.
- Likelihood of successful apprehension.
- Whether the identity of the suspect is known to the point that later apprehension is possible.

Officers will not attempt to stop or slow a pursued vehicle by boxing in, heading off, ramming, or driving alongside during a pursuit.

Officers will not pursue vehicles the wrong way on the interstate or other controlled access highway, divided roadways, or one-way streets unless specifically authorized by the pursuit officer in charge (OIC).

Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits.

Police motorcycle units may become involved in a pursuit as primary units when they initiate the pursuit. The motorcycle unit will turn the pursuit over to a marked police car as soon as possible and discontinue emergency operation.

Officers wearing plainclothes or using unmarked vehicles will avoid making stops of suspected vehicles and will not engage in vehicle pursuits. The danger presented to officers and citizens is much greater than when uniformed officers with marked vehicles make the initial contact.

Officers will not attempt to stop vehicles while off duty unless it is a life-threatening situation which, if permitted to continue, could cause serious physical harm to innocent victims.

Pursuits leaving the initiating district will switch to the channel of the district that the pursuit enters after it is established the pursuit will not immediately re-enter the boundaries of the initiating district.

Example One: A vehicle pursuit initiated in District One which enters I-75 north and passes the Harrison Avenue exit will switch to Channel Five for dispatch.

Example Two: A vehicle pursuit initiated in District One which travels north on Vine Street, enters District Four and proceeds east on Thill Street, then south on Rice Street back into District One, may remain on Channel One.

Procedure:

A. Emergency Operation of Police Vehicles

1. Emergency operation (lights and siren) of a police vehicle is authorized in the following emergency cases and under the following conditions:
 - a. Officer needs assistance.
 - b. Person calling for help.
 - c. Report of an explosion.
 - d. Trouble with a prisoner.
 - e. Crimes in progress requiring the immediate presence of a police officer.
 - f. Auto accident with reported injury.
 - g. Emergency medical runs when Fire Department personnel are not immediately available.
 - h. Pursuit driving.
2. When operating a police vehicle in the emergency mode, officers:
 - a. Will not operate with reckless disregard for the safety of other citizens.
 - b. Will use the emergency lights (red/blue) and siren.
 - 1) Do not use four-way flashers because they interfere with brake lights and turn signals.
 - c. Will ensure video and audio recording equipment is activated if the police vehicle is equipped with it.
 - d. Will not have complainants, witnesses, suspects, prisoners, or other non-police personnel as passengers. This restriction does not apply to:
 - 1) Civilian observers who have signed a Form 612, Release of All Claims.
 - 2) Units transporting sick or injured persons to the hospital.

3. When driving in emergency mode, the operator will conform with all applicable traffic laws and regulations.
 - a. When driving in emergency mode and approaching a red traffic signal or stop sign, the operator must:
 - 1) Stop the vehicle.
 - 2) Yield the right-of-way to all moving vehicles and pedestrians.
 - 3) Enter the intersection only when it is safe.

B. Silent Response

1. Police officers may respond to certain calls, such as robberies or burglaries in progress, using emergency lights only (no audible siren). The officers responding on these silent runs must clearly understand:
 - a. The mere use of flashing emergency lights, without an audible siren, does not designate the vehicle as an emergency vehicle by law and may negate any immunity available to the operator.
 - b. They must proceed with extreme caution and at a reasonable speed to avoid endangering the life and property of others.

C. Portable Flashing Blue Lights on Unmarked Vehicles

1. A vehicle with a portable flashing blue light is not considered an emergency vehicle.
2. The portable flashing blue light should be used to identify emergency conditions at an auto accident, road hazard, crime scene, etc.
3. Do not use the portable flashing blue light to:
 - a. Identify any unmarked vehicle as an emergency response vehicle.
 - b. Substitute for the emergency equipment on the patrol cars.

D. Pursuit Driving

1. A motor vehicle pursuit is permitted in the following instances:
 - a. On-sight pursuit of a known or suspected felon.
 - b. On-sight pursuit of traffic or misdemeanor violations, only if witnessed by the officer or if a warrant is on file.
 - c. When directed by Police Communications Section (PCS) or a supervisor to assist in a police pursuit.

2. Notification

- a. A pursuing officer(s) will immediately relay the following information to PCS:
 - 1) Car number.
 - 2) Location.
 - 3) Direction.
 - 4) A description of vehicle, license number, and occupants.
 - 5) Reason for pursuit.
 - 6) Speeds involved.

3. PCS Responsibilities

- a. The dispatcher will immediately notify the initiating pursuit unit's supervisor. That supervisor becomes the pursuit OIC and is responsible for directing the pursuit until its end.
 - 1) If the unit supervisor is unavailable, a district supervisor where the pursuit began becomes the pursuit OIC.
- b. The dispatcher will note the time, car number, district involved, and immediately notify the PCS shift OIC.
- c. The pursuit dispatcher will notify other district personnel via an all channel broadcast as the pursuit enters into adjoining district boundaries.
- d. Keep non-emergency radio traffic to a minimum during the pursuit.
- e. PCS will broadcast the pursuit on all available channels. Upon anticipation of a pursuit across city limits, PCS will make an all county broadcast (ACB).
- f. The PCS supervisor will provide the necessary support during the pursuit.

4. Supervisory Responsibilities

- a. The pursuit OIC will retain control and continually monitor and assess the situation. The pursuit OIC will direct specific units in or out of the pursuit, reassign primary or secondary units, set posts, authorize roadblocks, and terminate the pursuit.
 - 1) Final decisions will rest with the pursuit OIC.

- b. The pursuit OIC will complete a Form 34, Vehicle Pursuit Report, and work-flow to the district/section/unit commander through the chain of command. When work-flowing the Form 34 and attachments, "Add Notification" to the following units: chain of command.
 - 1) Patrol Bureau.
 - 2) Inspections Section.
- c. After reviewing the MVR/DVR of any unit involved in the pursuit in accordance with Procedure 12.537, route the original tape/disc along with any other original documents through the chain of command.

5. Number of Units

- a. Unless authorized by the pursuit OIC, no more than two police vehicles will become actively involved in the pursuit.
- b. The primary unit will:
 - 1) Be responsible for keeping the suspect's vehicle in sight.
 - 2) Advise the supervisor if more than two police units are needed for the pursuit.
 - 3) Have the authority to terminate the pursuit should conditions warrant.
- c. The secondary unit will:
 - 1) Immediately notify PCS there are two police units involved in the pursuit.
 - 2) Assume responsibility for the transmission of all relevant pursuit information to PCS.
 - 3) Provide backup for the primary unit during the arrest process.

E. Termination of the Pursuit

- 1. Officers will terminate pursuits under any of the following conditions:
 - a. The pursuit OIC or the primary unit determines the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
 - b. Establishment of the suspect's identity allowing for apprehension at a later time and there is no longer a need for immediate apprehension.
 - c. Location of the pursued vehicle is no longer known.

- d. The pursued traffic/misdemeanor violator crosses the Hamilton County line (Refer to Section F.3.).

F. Pursuits Leaving Cincinnati

1. By statute, police officers have the authority to pursue outside their jurisdiction and arrest without a warrant provided:
 - a. The officers would have authority to make the arrest inside their jurisdiction.
 - b. The pursuit takes place without unreasonable delay after the offense.
 - c. The pursuit starts within the police officers' jurisdiction.
 - d. The offense is one of the following:
 - 1) Felony
 - 2) First or second-degree misdemeanor
 - 3) Traffic violation that a point may be charged against the driver pursuant to Division (6) of Ohio Revised Code (ORC) Section 4507.40
2. If the above criteria are not met, the officers cannot pursue and cannot arrest outside their jurisdiction.
3. Although it can be a felony to flee and/or elude a police officer (ORC 2921.331), if this is the only felony charge, fresh pursuit of a traffic or criminal misdemeanor violator will terminate at the Hamilton County line.
 - a. Officers must receive supervisory approval before signing ORC 2921.331 felony charges.
4. Officers may pursue felony suspects beyond state boundaries. However, the new jurisdiction will continue the pursuit as the primary unit (if available). The Cincinnati primary unit and secondary unit will then assist.
 - a. Officers will terminate pursuits if radio contact with PCS is lost due to officers going beyond radio range.

G. Outside Agency Pursuits into Cincinnati

1. In the event of a pursuit from an outside agency into Cincinnati, the same guidelines for pursuits outlined in this procedure will apply to Department personnel.
 - a. PCS will notify the appropriate district supervisor, who becomes the pursuit OIC for Department personnel.

- 1) The outside agency will remain responsible for the pursuit and serve as the primary unit until responsibility is relinquished to Department personnel.
- 2) PCS will broadcast the pursuit and its progress.
- b. If an outside agency has one vehicle in the pursuit, we will assist with one unit.
- c. If an outside agency has two or more vehicles in pursuit, we will not assist in the pursuit of the fleeing vehicle.

H. Roadblocks

1. Under normal circumstances, officers will not set up roadblocks to stop fleeing vehicles. The pursuit OIC may grant permission for a roadblock if he has knowledge the suspect has committed:
 - a. Murder or Aggravated Murder.
 - b. Aggravated Arson.
 - c. Aggravated Robbery.
 - d. Aggravated Burglary.
 - e. Rape.
 - f. Complicity to any of the above.
2. Officers will set up roadblocks only with the direct permission of the pursuit OIC and in accordance with the following guidelines:
 - a. Officers will not set up roadblocks at locations that will endanger innocent citizens or create a hazard to vehicular traffic. Officers will not set up roadblocks which could limit visibility and not allow operators sufficient time to safely stop, e.g., at a curve in the road, or beyond the crest of a grade.
 - b. Use Police Department vehicles only.
 - 1) Do not use Department motorcycles or privately owned vehicles.
 - c. Position the Department vehicles in the roadblock so the open route left through the restricted area will require approaching vehicles to proceed slowly through it.
 - 1) Turn on all of the vehicle's emergency lighting, turn the ignition switch off, and leave the vehicle. No one is to remain inside the vehicle.
 - 2) If using Stop Sticks, use according to guidelines set forth in Section I.

- d. Do not detain innocent citizens. Direct them to proceed with their vehicles through the roadblock and out of the path of the fleeing vehicle(s).

I. Use of Stop Sticks

1. The Department currently has four models of Stop Sticks:
 - a. Standard Stop Stick - three feet in length.
 - b. Barracuda – three feet in length but with longer quills designed to stop larger vehicles like buses or trucks.
 - c. Terminator - designed to be placed in front of a tire on a static vehicle, e.g., traffic stop.
 - d. Piranha - resembles the standard Stop Stick but is only 5 1/8" long. It is designed to be placed covertly in front of a tire to ensure the vehicle is not moved.

Note:

District Civil Disturbance Operating Procedure (CDOP) Vans are equipped with the Barracuda, Terminator and Piranha Stop Sticks. Supply Unit maintains a replacement supply of stop sticks.

2. Deployment of Stop Sticks:
 - a. Stop Sticks are designed for a controlled release of air from a target vehicle's tires, usually within 20-30 seconds. However, under some circumstances tire deflation can increase the possibility that a driver may lose control of the vehicle and crash, resulting in serious or fatal injuries. Therefore, the following guidelines shall be followed when deploying Stop Sticks:
 - 1) Officers will use Stop Sticks only on vehicles with four or more wheels.
 - a) Do not use Stop Sticks on motorcycles.
 - 2) Avoid deploying Stop Sticks on motor vehicles in transit if there are pedestrians in the immediate vicinity and the use of the Stop Sticks would place them at risk of physical harm or injury, i.e., use of Stop Sticks on a motor vehicle traveling at a high rate of speed in a residential area.
 - 3) Limit or isolate traffic from the pursuit or location where the Stop Sticks are being deployed.
 - b. Normally the pursuit OIC will make the decision to use Stop Sticks. Situations may occur making this impossible. Under these circumstances, officers may use Stop Sticks if they can do so safely.

- 1) Operators of vehicles equipped with Stop Sticks must receive proper training in the use of Stop Sticks.
 - c. Officers must alert PCS of their intention to use Stop Sticks, and of their exact location.
 - 1) PCS will relay the location to the pursuing officers.
 - d. Do not discard used Stop Sticks. The manufacturer replaces used Stop Sticks for a period of five years from purchase when the old ones are returned.
 - 1) If Stop Sticks are used in a pursuit situation, the pursuit OIC will:
 - a) Address their use and effectiveness in the Form 34, Vehicle Pursuit Report.
 - b) Complete a Form 630, Equipment/Supply/Service Order Form, and submit through the chain of command, to the Supply Unit for the replacement of Stop Sticks.
 - c) Ensure used Stop Sticks accompany the Form 630 to Supply Unit.
 - e. If Stop Sticks were used and the incident did not involve a pursuit, the unit supervisor will:
 - 1) Investigate and report via Form 17 to the Police Chief.
3. Preventing a pursuit of a stolen vehicle
- a. Officers may deploy stop sticks to prevent pursuits. As an example, an officer following an entered vehicle may request deployment of stop sticks prior to the initiation of a traffic stop.

12.545 USE OF FORCE

Reference:

Graham vs. Conner, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

Manual of Rules and Regulations - 1.22, 1.23, 1.24, 1.25, 2.12, 2.26A&B, 4.05

Procedure 12.140 - Canine Operations

Procedure 12.170 - Civil Disturbance Operation Procedure

Procedure 12.550 - Discharging of Firearms by Police Personnel

Procedure 12.554 - Investigatory Stops

Procedure 12.600 - Prisoners: Securing, Handling, and Transporting

Procedure 12.905 - Fingerprinting and Photographing of Juveniles

Procedure 15.100 - Citizen Complaints

Definitions:

Actively Resisting - when the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Choke Holds - the courts could consider a choke hold or other similar type holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type choke hold to prevent the swallowing of evidence is prohibited.

Crowd Management - the observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control - the use of police action to stop the activities of persons assembled.

Deadly Force - force likely to cause, or capable of causing, death.

Escorting - the use of light pressure to guide a person or keep a person in place.

Force - any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to the use of: firearms, Tasers, chemical irritant, choke holds or hard hands, the taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

Hard Hands - the use of physical pressure to force a person against an object or the ground, use of physical strength or skill that causes pain or leaves a mark, leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Serious Use of Force - any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured, or requires hospital admission, with the exception of individuals admitted for psychiatric evaluation not suffering a serious injury.

Self-Defense - the act of protecting oneself or another from physical harm or serious physical harm.

Serious Injury/Serious Physical Harm to Persons - any of the following:

- Any physical harm that carries a substantial risk of death.
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity.
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.

Use of Force in Crowd Management and/or Control - Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from a risk of death or physical harm; or is necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject.

Officers encountering crowds will evaluate the situation and determine if there is a current or future need requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools, or tactics needed to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

Use of force (including the beanbag shotgun, the 40mm foam round and the PepperBall launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, the 40mm foam round, or the PepperBall launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse.

Information:

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative for subduing or incapacitating a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tools have been designed for law enforcement to assist in resolving situations which could otherwise result in the use of deadly force.

They are designed to enable officers to subdue or incapacitate a subject while preventing imminent physical harm to the officer or another person due to the ability to maintain greater distance between officers and the subject. Most of the time these tools are used when a subject is armed with, or simulating the possession of, a potentially deadly instrument. These subjects are often emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled with a lower level of force.

Use of these types of tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant leaves an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm; or is necessary to effect the arrest of an actively resisting subject; or prevent the escape of that subject.

Chemical irritant or the X26 Taser (in the drive stun mode) is the primary response to prevent persons from swallowing evidence or contraband. The use of chemical irritant or the X26 Taser (in the drive stun mode) on an individual attempting to swallow evidence or contraband is only permitted when:

- There is a clear indication that the object or substance in the subject's mouth is contraband.
- There are exigent circumstances such as the imminent destruction of evidence or medical emergency.
- The officer has issued verbal commands to spit out any contraband and the subject refuses to comply.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others.

A verbal warning must be issued to the subject that chemical irritant will be used prior to the use of chemical irritant unless it would present a danger to the officers or others to issue such a warning. When feasible, the officer will defer using chemical irritant for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

PepperBall: The PepperBall launcher is a non-lethal tool which provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

PR-24: The PR-24 is an impact tool that offers a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the PR-24 is less likely to cause injury to the officer and provides added distance from the subject. Officers should target a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, and groin, unless threatened with serious physical harm.

X26 Taser: The X26 Taser is an electronic control device that is a non-lethal force alternative used to assist officers in the performance of their duties. The X26 Taser is designed to temporarily immobilize a non-compliant, violent or potentially violent subject. It generates electricity in a small, hand-held, battery operated unit about the size of a handgun.

When properly used, the X26 Taser generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscular movement, allowing officers to gain control.

The X26 Taser may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation. When deploying a cartridge from the X26 Taser, it should never be aimed at the subject's head, neck, eyes, or groin. When deployed in the drive stun mode, the neck and groin areas are acceptable targets. Only officers successfully completing the Department's X26 Taser Training Program will use it.

Each X26 Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the X26 Taser. The information stored in the data chip can be retrieved by supervisors connecting to

the data port on the rear of the weapon and downloading the information into our current computer system.

Every three months (January 1, April 1, July 1, October 1), supervisors are responsible for downloading the data stored on the X26 Taser chip of their personnel for the previous three-month period. The downloaded information will be stored in a file at the officer's district/section/unit and also in the "Taser_Downloads" folder located on the H: drive. The instructions for electronically saving the downloaded data can be accessed by opening the PDF file titled, "Taser_Download instructions" located in the "Taser_Downloads" folder on the H: drive.

If Employee Tracking Solution (ETS) is down due to maintenance or mechanical problems, supervisors should document a use of force incident on the appropriate form on the H: drive. Supervisors should complete a draft copy of the use of force report and fax it to the required units. Supervisors should then retain the draft document until ETS is operational at which point the information from the draft document should be entered into ETS and processed according to this procedure.

The Police Chief has authorized a Use of Force Review Board to conduct a comprehensive review of the following use of force incidents:

- a use of force resulting in hospitalization or serious injury to a subject or police officer involved in a use of force incident;
- a use of force that includes a citizen's complaint of unnecessary or excessive force by an officer;
- or any use of force incident recommended for review by a district/section/unit commander and approved by the Police Chief.

Use of force incidents involving the discharge of firearms by police are not included in this process and are addressed by the Firearms Discharge Board (Procedure 12.550). Uses of force involving beanbag and 40mm foam round discharges are reviewable by the Use of Force Review Board.

Use of Force Review Board Members consist of the affected district/section commander, one captain from Investigations or Patrol Bureau (rotating assignment), the Training Section Commander, the Inspections Section Commander, and a bureau commander (rotating assignment).

The Internal Investigations Section (IIS) will coordinate Use of Force Review Board action and will schedule Review Board meetings and provide all documentation to board members on cases assigned by the Police Chief.

The bureau commander will chair the Review Board meetings. The Review Board will prepare a final report to the Police Chief containing a description of the incident including all uses of force, a summary and analysis of all relevant evidence, proposed findings, and analysis to support those findings.

The Review Board will determine whether all uses of force during the encounter were consistent with Department policy and training, whether the involved officers employed proper tactics, and whether lesser force alternatives were reasonably available.

Policy:

Cincinnati Police Officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effecting an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to effect an arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control.

Officers must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.

Force situations often do not allow for an ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members have a duty to ensure that the use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, the X26 Taser; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will immediately notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a lieutenant uses force and there is no captain or above working, but an acting Night Chief (lieutenant) is available. In this case, the acting Night Chief can conduct the investigation.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

Use of Force Continuum

SUBJECT RESISTANCE:	FORCE OPTIONS:	OFFICER/SUBJECT FACTORS:
<p>Compliant/Cooperative Subject complies with verbal commands and other directions.</p> <p>Uncooperative Subject fails to respond to verbal commands or other directions.</p> <p>Active Resistance Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p>Assault or Threat of Assault Subject assumes fighting stance, charges, strikes or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.</p> <p>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.</p>	<p>Officer presence</p> <p>Verbal skills</p> <p>X26 Taser/Chemical irritant</p> <p>Escort techniques</p> <p>Balance displacement</p> <p>Hard hands (Pressure points/Strikes)</p> <p>PR-24 (Baton)</p> <p>PepperBall launcher (Non-lethal)</p> <p>Beanbag shotgun (Less than lethal)</p> <p>40mm foam round (Less than lethal)</p> <p>Deadly force</p>	OFFICER/SUBJECT FACTORS:
		SPECIAL CIRCUMSTANCES:
		<p>Physical size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p> <p>Environmental factors</p> <p>Distance from subject</p> <p>Officer injury exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History/knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to affect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgment and the circumstance of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation.

Procedure:**A. Use of Beanbag Shotgun**

1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
 - a. Supervisors are responsible for loading beanbag shotguns.
 - b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull.
 - a. Stocks on beanbag shotguns are orange and clearly labeled as "less-lethal".
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be stored de-cocked with the safety on, in secured boxes in the trunks of assigned vehicles.
 - a. A breakaway seal will be on each box.
 - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
 - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
 - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from, nor the presence of, a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.
 - a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.

8. When using a beanbag shotgun, the recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.
 - a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self-defense, defense of another, or a situation where the round is used as an alternative to deadly force when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
 - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550, Discharging of Firearms by Police Personnel.
 9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
 - a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.
 10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
 11. If four rounds prove to be ineffective, officers need to consider another option.
 12. After using a beanbag shotgun, and after an individual is under control, notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- B. Use of 40mm Foam Round
1. A 40mm foam round launcher will be assigned to each district.
 2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.
 3. The 40mm foam round launcher is a single shot, shoulder-mounted weapon.
 - a. A holographic sight is attached to the launcher to assist with aiming and shot placement.

4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.
 - a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.
 - b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the foam round.
 - c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.
5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm foam round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
 - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
6. If four rounds prove to be ineffective, officers need to consider another option.
7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

C. Use of PepperBall

1. PepperBall launchers will be assigned to the districts at the discretion of the Police Chief.
2. The PepperBall round consists of a small, hard, plastic sphere containing OC pepper powder.
3. The PepperBall launcher is a semi-automatic, shoulder-mounted, high capacity weapon powered by compressed air.
 - a. Each district will be assigned one SCBA compressed air tank and a PepperBall fill adapter.
 - b. SCBA tanks can be refilled by the Cincinnati Fire Department at their facility located on 5th Street at Central Avenue.

4. Only supervisors and officers trained in the use of PepperBall launchers are permitted to use the weapons.
 - a. The presence of a second officer is highly recommended in the event the officer using the PepperBall launcher encounters lethal resistance.
 - b. If serious injury requiring hospitalization occurs from the use of the PepperBall, follow the notification process for shots fired as outlined in Procedure 12.550.
 5. When using the PepperBall launcher, aim at center mass. Avoid the head, neck, and groin areas, if possible. The effective range of the PepperBall is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation.
 - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
 - b. Heavy clothing can hinder the effectiveness of the PepperBall rounds. If a subject is wearing heavy clothing, consider targeting the legs.
 - c. Subjects struck with PepperBall rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing PepperBall rounds.
 - d. Decontamination for individuals exposed to PepperBall OC powder is fresh air and clear, cool water.
 6. PepperBall rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls, or the ground.
 7. After using the PepperBall launcher, and after the individual is under control, inform onlookers that the PepperBall launcher is a non-lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- D. Use of the X26 Taser
1. Use the X26 Taser to control actively resisting subjects, aggressive non-compliant subjects, or violent or potentially violent subjects. Give the subject a verbal warning that the Taser is going to be deployed unless it would present a danger to the officer.
 - a. Officers should avoid using the X26 Taser on obviously pregnant females and those individuals under the age of 7 or over the age of 70, unless the encounter rises to the level of a deadly force

situation due to the potential for these individuals to fall when incapacitated by the Taser.

- b. Officers should avoid using the X26 Taser on individuals who are on an elevated surface unless the encounter rises to the level of a deadly force situation.
2. Officers should, if possible, obtain backup before using the X26 Taser to control the subject.
 - a. Deploy personnel in such a manner that will enable them to use other means to subdue the subject if the X26 Taser is ineffective.
 - b. Officers will use caution and avoid standing near the subject.
3. Depressing the trigger on the X26 Taser will propel two darts from the attached cartridge. Once the X26 Taser is fired it will automatically cycle for five seconds. The officer can turn it off before the five second cycle stops. However, it is recommended that officers let the X26 Taser cycle for the full five seconds to maximize its effectiveness. Officers should give commands to the suspect and attempt to gain compliance.
 - a. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. However, if only one dart penetrates the subject, the X26 Taser is only partially effective. Should this occur and the subject continues to act aggressively, place the X26 Taser against the subject's body to complete the circuit, causing complete incapacitation.
 - b. The X26 Taser has a red dot laser and a built in flashlight that activates as soon as the X26 Taser is turned on. Both of these features can be deactivated, if desired.
4. If a first shot does not make contact or is ineffective, the officer may reload and attempt a second shot. If the X26 Taser deployments do not make contact or are ineffective, it may be used in the drive stun mode. The X26 Taser can operate in the drive stun mode with or without the fired cartridge attached. You cannot use the X26 Taser in the drive stun mode on the neck or groin area with a non-fired cartridge attached to the Taser.
 - a. While operating the X26 Taser in the drive stun mode, the carotid/brachial, groin, and common peroneal nerve are the preferred target areas of the body. A drive stun is described as pushing the X26 Taser aggressively against the subject's body while pulling the trigger. This will deliver a shock to that area of the body. A drive stun is intended to gain compliance from actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects, and persons attempting to swallow evidence or contraband.

- b. Due to the high voltage electronic spark of the X26 Taser, **never fire the X26 Taser near flammable materials (such as chemical irritant with an alcohol based propellant, gasoline, kerosene, or in a natural gas environment).**
- c. After an officer has fired an X26 Taser cartridge, a new cartridge will be issued to the officer by their immediate supervisor.

5. Medical Treatment

- a. Officers will obtain appropriate medical treatment for suspects when necessary. After successful X26 Taser deployment, request Cincinnati Fire Department (CFD) respond to evaluate the subject.
- b. Officers may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e., genitals, breast tissue, or any area above the collar bone.
 - 1) If the darts are embedded in the soft body tissue described above, transport the subject to University Hospital for treatment and dart removal.
 - 2) Used X26 Taser cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at a fire station or hospital.

E. Use of Chemical Irritant

- 1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.
- 2. When feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
- 3. Officers may only use chemical irritant on a restrained individual when the restrained individual is likely to escape or suffer injury; or another person is likely to suffer injury, absent the use of the chemical irritant.
- 4. If it is necessary to use chemical irritant on a violent prisoner who is handcuffed and in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead, officers will spray the prisoner through the protective screen.
 - a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening or spray the prisoner through the rear door window nearest the prisoner's face.

- b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.
- 5. When spraying chemical irritant, target an individual's face and upper torso. If possible, stay five to ten feet away from an individual and administer the chemical irritant in 3 second bursts.
- 6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.
- 7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.
 - a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water or the use of a decontamination wipe.
 - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
- 8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
 - a. When the individual complains of continued effects after having been decontaminated.
 - b. The individual indicates that they have a pre-existing medical condition that may be aggravated by the chemical irritant, e.g., asthma, emphysema, bronchitis, heart ailment, etc.
 - c. Immediately request a supervisor and Cincinnati Fire Department (CFD) respond to the scene if a person is suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death.
 - 1) If necessary, CFD will transport the suspect for immediate medical treatment. If CFD requests the Police Department transport the suspect, officers will:
 - a) Immediately transport to University Hospital any persons 13 years of age and older.
 - b) Immediately transport to Children's Hospital any persons 12 years of age and under.

Reporting Use of Force

Force used	Reporting requirement
Deployment of police canine (no bite).	Form 18C, explaining circumstances that led to the deployment.
Escorting or handcuffing a person, with no or minimal resistance.	No special reporting required other than the narrative of the arrest report.
“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, or pressure point control tactics without injury or complaint.	The arresting officer(s) are required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete an officer’s report of non-compliant suspect/arrestee form report to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.
“Hard hands” use of force with injury or complaint of injury.	The arresting officer(s) are required to notify a supervisor. The supervisor’s report will include the following information in the narrative portion of the report: description of the events leading to the use of force; description of the subject’s resistance; description of the use of force by police to overcome resistance, including a description of all empty hand controls used by the officer; supervisor’s evaluation of the propriety of the initial contact and the propriety of the use of force; supervisor’s evaluation of a foot pursuit if applicable.
Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and 40mm foam rounds; X26 Taser; or PepperBall.	Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties. For chemical irritant use and X26 Taser deployment, taped statements are only required if the use occurs after handcuffing.
All serious uses of force (as defined in the definitions section) and canine bites which cause serious injury or hospital admission.	CIS and IIS will respond to the scene and investigate.

F. Reporting a Use of Force

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant, whose conduct led to an injury to a prisoner, or who authorized the conduct that led to the reportable incident.
 - a. If none of the above are on duty, ensure the next command officer who comes on duty is notified.
 - b. Contact the Internal Investigations Section (IIS) Commander, the Criminal Investigations Section (CIS) Commander, and the officer's district/section/unit commander for all serious uses of force and all canine bites which cause serious injury or hospital admission.
 - c. Contact the IIS Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of witnesses and officers at the scene and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting Night Chief (lieutenant) is available. In this case, the acting Night Chief can conduct the investigation.
 - a. Other than a use of chemical irritant or Taser, a supervisor will ensure neutral officers transport the prisoner to the appropriate facility, if applicable.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
 - b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.
 - c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
 - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
 - d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a Police Communications Section supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.

- 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
 - 2) The district/section/unit commander will call the officer to determine the correct course of action.
3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
 - a. The tape recorded interview will contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe which took place at 1012 Ludlow Avenue".
 - 4) Identity of the person interviewed.
 - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - b. If more information is needed, ask the appropriate questions.
 - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time; e.g., "This is Sergeant Neudigate concluding this interview with Mr. John Doe. The time is 2000 hours".
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that any necessary medical attention is secured.
 - a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
 - 1) The investigating supervisor will record his name, badge number, date, time, and name of the subject on the photographs. Attach the photographs to the original report.
 - b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.

- 2) Interview the arrested, tape recording the interview.
 - 3) Interview the treating physician and include the diagnosis in the report. Tape record the interview if the physician permits it.
 - a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
 - 5) Note on the Form 18F, Supervisor's Use of Force Investigation Report, if the subject refuses treatment at the hospital.
5. If the arrested is seriously injured or admitted to a hospital, immediately notify the district/section/unit commander of the involved officer, the IIS Commander, the Criminal Investigation Section (CIS) Commander, and the Night Chief/Duty Officer, if on duty.
- a. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
 - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
 - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.
 - b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.
 - b. If the arrested is admitted to a hospital for psychiatric evaluation only without serious injury (PES, etc.), the above notifications are not required.
 - c. If the arrested is admitted to a hospital for observation purposes only, notify the affected bureau commander and the Duty Officer who will determine whether CIS and IIS will be notified.
 - d. If the arrested has ingested contraband, which results in either seizures, convulsions, loss of consciousness, or other serious medical conditions, immediately notify the affected bureau commander and the Duty Officer who will determine whether CIS and IIS will be notified.

6. The investigating supervisor will complete an appropriate Form 18F in the Employee Tracking Solution (ETS).
 - a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:
 - Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.
 - Conspicuously Ignoring: Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.
 - Resistive Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. This rigidity can be full body resistance or a particular body part. The goal of the action is to prevent control by means of superior strength.
 - Exaggerated Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - Excessive Emotional Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - Combative/Assaultive: Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet, kicks, punches, elbow strikes, spitting, biting, etc.).
 - Armed: Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.
 - b. Include concise statements addressing corroboration or contradiction for each witness.

- c. Type a brief summary of the use of force incident on the Form 18 that includes the following information:
 - 1) Decision to arrest, including the basis for the stop and seizure.
 - 2) How the subject resisted arrest.
 - 3) Subject's resistive behavior.
 - 4) Officer's tactics and actions to counter resistance/assault.
 - 5) The supervisor's analysis of the propriety of the officer's use of force.
 - 6) A statement indicating that the subject of the use of force was interviewed as part of the investigation. Include the identity of the supervisor who conducted the interview.
7. If while investigating a use of force, an individual alleges excessive force, the investigating supervisor will complete a Form 648, Citizen Complaint or Information, and include it in the use of force case folder. The supervisor will investigate the complaint thoroughly while all participants and witnesses are present. If the original use of force does not require the investigation to be tape recorded, but there is an excessive force allegation in conjunction with the use of force, the supervisor will tape record the interview of the subject of the use of force. This is only required when an excessive force complaint accompanies a use of force investigation. The main focus of the interview should be the complaint allegation, not the use of force. Refer to Procedure 15.100, Citizen Complaints, for routing of the form.
8. The investigating supervisor will ensure the completion of and sign the Form 527, Arrest and Investigation Report, and Form 527A, Case and Bond Information Sheet, listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.
9. The Form 18F will be work-flowed to the assigned district/section/unit commander through the chain of command.
 - a) Upon work-flowing the Form 18F, the investigating supervisor will use the "Add Notification" function to include the following units:
 - 1) Internal Investigations Section.
 - 2) Inspections Section.
 - 3) Patrol Bureau.

- b) If the Form 18F is not complete and the investigating supervisor needs to retain the document to complete their investigation, they should work-flow the document to themselves while still notifying the above listed units by the "Add Notification" function. **Do not** use the "Add Recipient" function.
 - 10. The district/section/unit commander will review the original report and complete a use of force supplement which will be attached to the appropriate use of force case folder in ETS. Within seven days, the district/section/unit commander will forward the taped statements and photos to the Police Chief's Office through the affected bureau commander in a sealed envelope.
 - a. Inspections Section will file the photographs and tapes.
 - 11. If an additional investigation is required, note it on the supplement.
 - 12. The investigating supervisor will make a blotter entry describing the incident and action taken.
 - 13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.
- G. Reporting Process for Use of Taser/Beanbag Shotgun/40mm Foam Round/PepperBall Launcher
- 1. Supervisors must complete a detailed Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall, in ETS after any officer uses one of the above devices. The Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40mm, PepperBall round, or Taser barb.
 - a. After each X26 Taser deployment, the investigating supervisor will retrieve the data stored on the X26 Taser data chip, print out the X26 Taser data port download and record the necessary information on the Form 18TBFP. The supervisor will then scan the data port download sheet into the computer and attach it to the appropriate use of force case folder in ETS.
 - b. Complete a Form 18T, Taser Silhouette Report, for X26 Taser use and attach it to the Form 18TBFP. Attach the electronic Form 18T to the appropriate use of force case folder in ETS.
 - 1) Report any accidental discharges on a Form 17 and route via the chain of command.

- 2) Report any discharges at an animal on a Form 18A, Weapons Discharge at an Animal, and route via the chain of command.
- c. Work-flow the report to the district/section/unit commander. After review, the district/section/unit commander will work-flow the original report to Inspections Section through the affected bureau commander.
 - 1) When work-flowing the Form 18TBFP, use the "Add Notification" function for the following units:
 - a) Inspections Section.
 - b) Patrol Bureau.
- d. No supplementary report is necessary unless requested by the Police Chief or bureau commander.
- e. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the X26 Taser/beanbag shotgun/40mm foam round/PepperBall launcher.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.

H. Reporting Process for an Injury to Prisoner

1. Supervisors will complete a Form 18I, Injury to Prisoner, in ETS for any injury to the arrested not the result of the use of force, while under or just prior to police control, and as a result of police activity, including the ingestion of contraband.
 - a. In the event of an incident wherein the underlying police use of force meets the threshold that requires an officer to complete a Form 18NC, Noncompliant Suspect/Arrestee Report, to document the incident, and the subject is injured or complains of injury as a result of the force, the incident will be investigated by a supervisor as an injury to prisoner and documented on a Form 18I.
2. The narrative section of the Form 18I will be brief and concise, containing the information in the Reporting Use of Force chart. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.
3. Work-flow the Form 18I to the district/section/unit commander through the chain of command. Forward any original documents, photographs, or tapes.

- a. When work-flowing the Form 18I, "Add Notification" for the following units:
 - 1) Inspections Section.
 - 2) Patrol Bureau.
 - b. The district/section/unit commander will evaluate the propriety of the initial contact and the use of force and will note his findings on the Form 18I.
 - 4. The investigating supervisor will make a blotter entry describing the incident and action taken.
- I. Reporting Process for Use of Chemical Irritant
- 1. Supervisors will complete a Form 18CI in ETS when reporting the use of chemical irritant.
 - a. Work-flow the Form 18CI to the district/section/unit commander through the chain of command.
 - 1) Upon work-flowing the Form 18CI, use the "Add Notification" function for the following units:
 - a) Inspections Section.
 - b) Patrol Bureau.
 - b. The investigating supervisor will make a blotter entry describing the incident and action taken.
 - 2. After review, the district/section/unit commander will work-flow the report to Inspections Section through the affected bureau commander.
- J. Priority of Forms
- 1. If more than one act by an individual occurs, only one report is needed, e.g., use of force and a use of beanbag shotgun.
 - 2. Listed below is the order in which a report is made, with "a" being the highest priority:
 - a. Use of Force
 - 1) Include X26 Taser/Beanbag Shotgun/40mm Foam Round/PepperBall information, if applicable.
 - 2) Include canine information, if applicable.

- b. X26 Taser/Beanbag Shotgun/40mm Foam Round/PepperBall
 - 1) Include canine information, if applicable.
- c. Canine.
- d. Injury to Prisoner.
- e. Chemical Irritant.
- f. Noncompliant Suspect/Arrestee Report.

K. Documentation Needed for Each Form

- 1. Form 18F, Supervisor's Use of Force Investigation Report:
 - a. Taped statement(s).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.
 - e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
- 2. Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall:
 - a. Taped statement(s) (X26 Taser deployment is exempt from this requirement unless the subject was handcuffed at the time of use or unless there is a complaint of excessive force in conjunction with the use of force investigation).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.
 - e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
 - g. X26 Taser data port download, if applicable.
 - h. Form 18T with the use of the X26 Taser.
 - i. MVR tape, if applicable.

3. Form 18C, Use of Canine:
 - a. Taped statement(s).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.
 - e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
4. Form 18CI, Use of Chemical Irritant:
 - a. Short narrative.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Taped statement(s) only if the subject was handcuffed at the time or there is an excessive force complaint in conjunction with the use of force investigation.
5. Form 18I, Injury to Prisoner:
 - a. Photos.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Taped statement(s) only if there is an excessive force allegation in conjunction with the use of force investigation.
 - d. Brief, concise narrative to include information from the Reporting Use of Force chart.
 - f. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
6. Form 18NC, Noncompliant Suspect/Arrestee Report:
 - a. Brief, concise narrative of resistance met and force used.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Supervisory review before end of tour.

- e. Copy for district files, original to Inspections Section.
 - f. Taped statement(s) only if there is an excessive force allegation in conjunction with the use of force investigation.
7. Place all original documents, photos, and tapes in the Use of Force Case Jacket with the routing label attached and forward to the district/section/unit commander.
- L. Responsibilities of Inspections Section to Insure Policy and Procedure Compliance and Implementation:
- 1. Inspections Section will review, evaluate in writing, and submit for the Police Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, PR-24, and all canine bites (except those causing serious injury or hospital admission).
 - a) Inspections Section is exempt from reviewing use of force cases assigned to the Use of Force Review Board.
 - 2. Inspections Section will review, evaluate, and submit for the Police Chief's approval all investigations of Taser or chemical irritant use on handcuffed individuals.
 - 3. Inspections Section will review all Forms 18NC for trends and training issues.

15.100 CITIZEN COMPLAINTS

References:

Manual of Rules and Regulations
Procedure 12.545, Use of Force

Definitions:

Citizen complaint - an allegation from any source of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order; or in some manner prejudicial to the individual, the Police Department or to the community. In situations involving only the individual's alleging innocence of a charge placed by a police officer, advise the complainant to seek judicial redress through established court procedures.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Policy:

The Internal Investigations Section (IIS) is to be notified for incidents involving criminal allegations against or suspected criminal conduct by sworn Department members. IIS should be notified in addition to the Duty Officer, the affected district or section commander, and the Night Chief, when applicable. IIS will request appropriate resources as needed from those sections or units that are subject experts in specific areas.

Domestic violence is the exception to this policy. Law and Department procedure require district personnel take immediate action in domestic violence cases based on probable cause. IIS should be notified when Department members are arrested for domestic violence.

This policy does not change or otherwise affect Procedure 12.550, Discharge of Firearms by Police Personnel.

During an investigation, all relevant police activity including each use of force, not just the type of force complained about, will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident.

The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; the Department will continue its investigation as necessary to determine whether the original allegation can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer did or did not use a type of force, nor will it justify discontinuing an investigation.

Department members will not file charges against a complainant for a violation of Ohio Revised Code §2921.15, Making False Allegation of Peace Officer Misconduct, without supervisory approval and prosecutorial review.

A Department employee seeing or having knowledge of a police action involving misconduct will immediately initiate a citizen complaint on behalf of the alleging party.

If a citizen objects to an officer's conduct that officer will inform the citizen of their right to make a complaint. The officer will give them an information brochure and complaint form. Officers will not discourage any person from making a complaint.

The complainant's willingness to participate in, and the outcome of, a Citizen Complaint Resolution Process (CCRP) meeting will have no bearing on the investigation or the adjudication of that complaint.

If the complainant declines to attend the CCRP meeting, the investigating supervisor is required to notify the complainant of the facts of the investigation and the disposition. The report submitted should include information indicating the complainant was notified or that a sincere effort was made but was unsuccessful.

Preferably police supervisors will accept citizen complaints. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible. It is the accepting supervisor's responsibility to review the complaint. The district/section/unit commander will order additional investigation when appropriate and make the final determination of how the complaint is routed.

Upon receipt, each complaint will be assigned a unique tracking number and will be resolved in writing. All citizen complaints received by the Department will be maintained in a secure location. This includes the Form 648, Citizen Complaint or Information, and all investigative documentation.

The complainant will be kept informed periodically regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

Any officer who used force or chemical spray during the incident, or whose conduct led to the injury of a prisoner, or who authorized the conduct that led to these reportable incidents is prohibited from investigating the incident.

Any officer or supervisor involved in a situation resulting in an official complaint will not be present during any interview with the complainants or witnesses.

Any supervisor identified as a party to an official complaint will not act as the complaint investigator.

Information:

Allegations of the following nature will be handled through CCRP:

- Discourtesy/unprofessional attitude.
- Lack of proper service.
- Improper procedure, e.g., offense investigation, use of discretion, official law enforcement practices, and Police Department procedures.

The following types of allegations will be handled by the Internal Investigations Section (IIS) and/or the judicial system, not CCRP:

- Criminal conduct.
- Sexual misconduct.
- Serious misconduct, e.g., severe nature or pattern of procedural violations, lack of service, etc.
- Excessive use of force as defined in Procedure 12.545, Use of Force.
- Unnecessary pointing of firearms at persons.
- Improper searches and seizures.
- Discrimination.

The Hamilton County Clerk of Courts requires a referral from a police agency, the Private Complaint Mediation Program, the Prosecutor's Office or an attorney before they consider probable cause for a complaint and warrant to be issued. If a citizen responds to the Hamilton County Clerk of Courts Office demanding a warrant for a police officer, the Chief Deputy of the Municipal Court, Traffic/Criminal Division will be notified. Upon notification, the Chief Deputy will contact the Police Department.

Procedure:

- A. If while investigating a use of force, the individual alleges excessive force then the investigating supervisor will complete a Form 648, Citizens Complaint or Information in the Employee Tracking Solution (ETS). The supervisor will investigate the complaint thoroughly while all participants are present.
 1. Complete a Form 17 summarizing the investigation. Attach the Forms 17 and 648 to the Investigation Report case folder for the use of force in ETS. Work-flow the Form 17, Form 18F, Supervisor's Use of Force Investigation Report, and Form 648 and any attachments through to the district/section/unit commander through the chain of commander for review.
 - a. When work-flowing the documents, "Add Notification" for the following units:
 - 1) Internal Investigations Section.
 - 2) Patrol Bureau.
 - 3) Inspections Section.
 2. If more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force, contact the IIS Commander and the officer's district/section/unit commander.
 3. The affected bureau commander will work-flow the above forms to IIS for investigative review and final approval by the Police Chief.

B. Form 648, Citizen Complaint or Information

1. Complete a Form 648 in when a citizen brings to a Department employee's attention an action, situation, or condition as described in the Information section.

C. Accepting a Citizen Complaint Lodged in Person

1. Give the complainant a Form 648 to complete. Provide instructions on completing the form and have the complainant sign the front side of the form in their own handwriting. The backside is for Department use only.
2. If more space is needed, use additional blank Forms 648.
3. Upon request, help the complainant complete the Form 648.
 - a. If the complainant is given help to complete the form, include a brief statement as to why help was given in the "Details" section.
 - b. Request the Form 648 be signed by the following: complainant, representative of the complainant, or any person assisting the complainant.
 - 1) Witness the signature.
 - c. Police Department personnel helping a complainant prepare the form, must sign in both the "Receiving" and the "Assisting Person" blocks.
4. The accepting employee will review the completed form for content and legibility.
 - a. If a word is not legible, ask the complainant what the word is. Print the proper word directly above the complainant's handwritten word.
 - b. Third party complaints will be handled in the same manner as any other complaint.
5. The receiving employee will ensure all pertinent dates and times are included in the form.
 - a. Attach legible copies of all arrest slips pertaining to the incident.
6. If a complainant refuses to write the complaint in his own handwriting, process the complaint as a telephone complaint. Refer to Section G. of this procedure.
7. The receiving employee will place his name and badge number in the space provided on side one of the Form 648. Provide the complainant with a copy of Page One only which will serve as the complainant's receipt.

- a. Complainants do not receive a copy of the completed Page Two.
 - b. The receiving employee's written observations should not be on the copy given to the complainant.
- 8. After accepting a Form 648 that has been personally filled out and/or signed, this information must be entered onto a Form 648 in ETS. When transferring the information from the original Form 648 into ETS, record the information exactly as it was written, including misspellings, profanity, punctuation, etc. The handwritten original document must then be scanned into the computer and attached to the appropriate ETS folder. The original Form 648 will then be routed through to the district/section/unit commander with any other original documents, pictures, or tapes.
- D. Completing "For Department Use Only" Section of the Form 648, Page Two
 - 1. Outline the allegations, identify principals and witnesses and provide information developed as a result of any preliminary investigation.
 - a. Make sure to include addresses and phone numbers of all principals and witnesses.
 - 2. Enter a description of the complainant's apparent physical condition and demeanor.
 - a. State your reason for believing a complainant was under the influence of an intoxicant and/or drug (do not express opinions regarding their mental competency or veracity).
 - 3. Describe any other traits or conditions displayed by the complainant, which may have a bearing on the allegation and/or investigation of the complaint.
 - 4. Specifically note any visible marks or injuries about the complainant.
 - a. Take photographs when the complaint involves any injury, claimed injury, or damaged clothing, etc., whether visible or not.
 - 1) Clearly label the photos with the complainant's name, date, time taken, and photographer's name and badge number. Attach photographs to the Form 648 for review by the district/section/unit commander.
 - 5. Do not include written observations on the copy given to the complainant.
 - 6. The receiving employee will ensure all information on the form is as complete as possible.

E. Processing the Completed Citizen Complaint Form

1. Work-flow the Form 648 to the affected district/section/unit commander by 0800 hours on the next day. Forward all original documents, photographs, and tapes for their review.
 - a. Complaints eligible for CCRP:
 - 1) Affected district/section/units retain original Form 648 complaint and all pertinent documentation.
 - 2) Upon work-flowing the complaint for assignment, "Add Notification" to IIS of the Form 648 for tracking purposes.
 - b. Complaints not eligible for CCRP:
 - 1) Work-flow the Form 648 with all pertinent documentation to IIS.

F. Accepting a Citizen Complaint by Mail, Email, or Fax

1. Submit citizen complaints received through the mail or via fax to a supervisor. The supervisor will:
 - a. Prepare a Form 648.
 - b. Scan the letter or fax into the computer system and attach to the appropriate ETS case folder.
 - c. Place the original letter or fax in a sealed envelope and process as in Section D.
 - d. Complaints received in the form of email messages will be printed out, scanned into the computer and attached to the appropriate ETS case folder, and then processed as in Section D.

G. Accepting a Citizen Complaint by Telephone or Telecommunications Device for the Deaf (TDD)

1. Refer telephone complaints to a supervisor. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible.
 - a. Make an effort to persuade the complainant to appear in person at a police facility to file the complaint.
 - b. Enter pertinent information on a Form 648. Obtain all the facts necessary to complete the form.
 - c. Get the complainant's name, address, and telephone number. Advise the citizen this information is essential to investigate the complaint.

- 1) Advise a complainant who insists on remaining anonymous this may hamper a proper investigation and disposition of the complaint.
 - d. Print the words "Telephone Complaint" in the box for the complainant's signature.
 - e. Follow the procedure in Section D. for processing the complaint.
 2. TDD complaints will be received by Police Communications Section (PCS) and handled according to their standard operating procedure.
 - a. The affected district/section/unit supervisor, upon notification from PCS, will follow the procedure in Sections D. and G.1.
- H. Assignment, Logging, and Investigation of Citizen Complaints
1. The supervisor assigned the complaint will resolve complaints eligible under CCRP. Any problems or needs identified will be relayed in writing in the form of a recommendation to the Police Chief.
 2. Non-CCRP complaints will be forwarded to IIS and resolved per IIS Standard Operating Procedure (SOP).
- I. Citizen's Complaint Resolution Process
1. The investigating supervisor will thoroughly investigate all allegations. All pertinent information sources will be examined, including but not limited to: the complainant, witnesses, involved officers and witness officers, worksheets, MDT information, offense reports, relevant law, policy and procedure, etc. Investigators will not ask officers or other witnesses leading questions that improperly suggest legal justification for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
 - a. Forward information to the district/section/unit commander for referral to IIS if the investigation reveals the complaint is not suitable for a resolution meeting.
 2. The investigating supervisor will take appropriate action based on the investigation of the complaint.
 - a. The investigating supervisor will make a determination whether or not the member's conduct was consistent with Department policy, procedure, and practice. The supervisor will document the finding in the Form 648B, Resolution Disposition, in ETS.
 - b. Verbal counseling or counseling via the Evaluation Supplement Log (ESL) if the member's conduct does not meet Department standards as determined by the investigation. Add the ESL to the original ETS case folder.
 - c. Hold a complaint resolution meeting with the complainant and the Department member.

3. Resolution Meeting: A resolution meeting will be conducted according to the following guidelines:
 - a. Only the complainant, the involved Department member, and the investigating supervisor/facilitator will attend the resolution meeting. No one else will be present. This allows for the best interaction between the two participants. In cases where there are multiple complainants and multiple officers, meetings will be held for each if necessary. In most cases, a primary complainant will be identified and the case resolved with one meeting.
 - b. The resolution meeting will not be tape-recorded. The resolution meeting will be a sincere effort by all parties to discuss and resolve the problem.
 - c. Resolution meetings will be conducted by the next highest ranking officer than the officer involved in the complaint.
 - d. All parties involved in the resolution meeting will sign a Form 648A, Acknowledgment of Participation in Resolution Meeting. The document will not refer to any discussion, action, agreement, or other aspect of the resolution meeting. The Form 648A is to be scanned into the computer and attached to the appropriate ETS case folder. The original Form 648A will then be routed through channels with any other original documents.
 - e. The supervisor will concisely summarize the resolution meeting on a Form 648B, Resolution Disposition.
 - f. Failure by a complainant to attend the first scheduled resolution meeting will be excused. If a complainant fails to attend a second scheduled resolution meeting, the complaint/problem will be deemed to have been resolved by the supervisor's inquiry and the file will indicate same.
 - g. Supervisors finishing a CCRP complaint investigation will notify the complainant of the facts of the investigation and the disposition if the citizen declines to attend a resolution meeting.
 - 1) The report should include information indicating that this was done or that a sincere effort was made but was unsuccessful, e.g., complainant could not be located, refused to discuss/listen.
4. Record Keeping
 - a. The investigating supervisor will complete a report of the investigation and its findings using the appropriate forms.
 - b. The investigating supervisor will work-flow all CCRP complaint investigation reports via the chain-of-command to their bureau commander for review and approval. All original documents are to be routed by hand through the chain of command.

- c. The bureau commander will make a final determination of the appropriate complaint closure classification according to Section 9.07 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
- d. The bureau commander will work-flow a copy of the CCRP complaint investigation reports to the IIS Commander for an administrative review and finalizing. IIS will note the date closed in the "Resolution Disposition" tab in the Citizen Complaint form in ETS.
- e. CCRP eligible complaints will be evaluated by district/section/unit commanders for underlying problems. Any problems or needs will be relayed in writing in the form of a recommendation to the Police Chief.
- f. IIS will notify Information Technology Management Section (ITMS) of all complaints closed Unfounded or Exonerated for appropriate adjustment in ETS.

19.105 SICK/INJURED WITH PAY AND SPECIAL LEAVES

References:

Procedure 12.830 - Donated Time
 Procedure 19.107 - Family Medical Leave Act
 Procedure 19.130 - Limited Duty Personnel
 Procedure 19.140 – Outside Employment
 Fraternal Order of Police/City Labor Agreement
 American Federation of State, County and Municipal Employees (AFSCME)/City Labor Agreement
 City of Cincinnati Human Resources Policies and Procedure
 Training Bulletin #142

Definitions:

Bloodborne contaminant - any blood, any body fluid (semen, saliva, vaginal fluids, etc.) which visibly contain blood, or any body fluid in which it is difficult or impossible to tell if it contains blood.

Active exposure - an exposure to an active bloodborne infectious disease specifically to the eye, mouth, interior of the nose, intact/non-intact skin, or other mucous membrane, from blood or other potentially infectious materials.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Passive exposure - an exposure to an airborne or bloodborne life threatening infectious disease, generally considered to be viral hepatitis or human immunodeficiency virus (HIV), but not to an area classified as an active exposure. Mere presence at a scene or contact with a body or other body fluid is not necessarily an exposure. Even contact with blood or other body fluids is not necessarily an exposure; the contact must be within the categories outlined in the Information Section.

Methods of bloodborne infectious disease exposure:

- A puncture, laceration, or abrasion of the skin.
- A splash or spitting into the eye, mouth, or interior of the nose.
- Contact with broken skin including rashes, chapped skin, open wounds, or healing wounds with scabs.
- A human bite.
- Contact with intact skin in excess of three minutes.

Purpose:

Provide Employee Health Service (EHS) with each employee's health history, enhancing their ability to provide the employee with proper medical care.

Ensure necessary documentation of sickness and injury cases.

Establish a uniform Department procedure for recording and reporting personnel injured or exposed to infectious disease in the line of duty.

Establish guidelines for requesting a special leave of absence.

Policy:

City primary care physicians may examine and diagnosis Department employees when EHS is closed. Employees must follow all medical directives concerning duty status established by the treating physician.

Sick With Pay (SWP) should not be approved unless the employee has properly reported and justified the absence.

Medical information is considered confidential and will not be discussed with anyone who does not have a legitimate need for the information. This includes the reason an individual calls off sick, injured, or FMLA related status.

Officers may not work a police-related detail while on light duty, in an off-duty injured with pay status, in **any** off-duty sick status, or off-duty due to any Family Medical Leave Act (FMLA) approved time.

Officers must physically report for work after being off duty while injured, sick, or taking FMLA approved time before working a police-related detail.

Officers who call their workplace and report themselves ready for duty are not eligible to work an outside employment extension of police service detail prior to reporting for their next scheduled tour of duty.

Information:

Injured With Pay (IWP) benefits may be initially approved for payment by the EHS physician or by the Police Department, subject to final recommendation and approval by the EHS Physician.

District/section/unit commanders will approve or disapprove Sick With Pay (SWP) benefits.

Personnel Section may request the EHS Physician's opinion in considering the decision to approve or disapprove SWP benefits.

Department employees may also refer to the Human Resources Policies and Procedures, Chapter III - Employees Benefits, for additional information.

Disagreements with the determination of IWP, SWP, or FMLA status are handled according to current City/Department policy and procedure and/or current union contract stipulations.

The Form 91SP, Supervisory Investigation of Employee Injury, and checklist for completion is available on the Intranet.

Procedure:

- A. Responsibilities of Department Employees Unable to Appear for Duty Due to Sickness or Injury
 - 1. As soon as possible before the start of the next tour of duty, notify a supervisor from the assigned unit (Refer to Procedure 19.107 for leaves falling under the provisions of the Family Medical Leave Act).
 - a. Provide the supervisor with:
 - 1) The specific nature of the illness or injury.
 - 2) How long you expect to be off duty.
 - 3) Whether you called or will call a physician or dentist.
 - 4) The telephone number where you can be reached.
 - 5) Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
 - b. Contact EHS when directed by a supervisor.
 - c. Comply with any request from the Police Department or the EHS physician to respond to the EHS.
 - d. EHS will provide Personnel Section with the original Form 96 and a copy to the affected officer following the medical examination. The Form 96 will list any duty restrictions determined by the EHS Physician. EHS will contact the affected officer's unit of assignment with any change in duty status.
 - 1) Personnel Section will compare the employee's duties to the Classification of Physical Demands of Work listed on the reverse side of the form, complete the bottom portion of the form, and fax a completed copy to EHS within 24 hours.
 - 2. When the condition improves allowing a return to duty, notify a unit supervisor as soon as possible.
 - 3. If EHS approval is required, a sick or injured employee may not return to duty without approval.
 - 4. Civilian employees are also be governed by current City/union contracts or Human Resources Policies and Procedures.
- B. Supervisory Duties When an Employee is Unable to Appear for Duty
 - 1. Upon receiving a call that an employee is sick or injured:
 - a. Document the information provided by the employee on a Form 25S, Application for Leave of Absence, or a Form 91SP, Supervisory Investigation of Employee Injury, as appropriate.

- 1) In the "Reason" section of the Form 25S, explain in detail why the person is off sick or injured.
 - 2) On the Form 25S, indicate your recommendation to the district/section/unit commander to approve or disapprove use of SWP or IWP.
 - a) Recommend the approval of SWP when the employee has properly reported and justified the request.
 - 3) Forward the form daily through the chain of command to the district/section/unit commander.
- b. Record that the employee called off sick or injured in the unit blotter.
- c. Ensure Personnel Section is notified when an employee is admitted to a hospital as result of an on or off-duty injury or illness.
- 1) If after normal business hours or on weekends, the information can be left on Personnel Section's voice mailbox system.
2. When an employee calls in sick and a supervisor has reason to believe the employee is improperly using sick time, or if a physician's or dentist's verification is necessary per the American Federation of State, County, and Municipal Employees (AFSCME) contract, the supervisor will:
- a. Direct the employee to produce a physician's or dentist's statement within three working days justifying the absence.
 - 1) Employees failing to bring in a physician's or dentist's statement may be subject to disciplinary action and should be carried in a Leave Without Pay (LWOP) status.
 - b. Prepare a Form 25S
 - 1) Check the "Medical certificate requested" block.
 - 2) Enter the reason for requiring the physician's or dentist's statement.
 - 3) Route the form through the chain of command to the district/section/unit commander.
3. When an off-duty employee calls off with an on-duty injury or a recurrence of an on-duty injury:
- a. Complete Form 91SP.

- 1) Include the date of the original injury and date of recurrence (if applicable), a brief description of the original injury, and a thorough description of the current problem.
 - a) Mark "recurrence" at the top of the Form 91SP, if applicable.
 - b. Carry sworn employees as IWP in the time book unless IWP benefits were denied by EHS.
 - c. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of the injury, unless they are hospitalized for one or more days as a result of the on-the-job injury.
 - 1) Non-sworn employees will not be carried IWP until a final decision is made by EHS Physician, except as outlined in B.3.c.
 - a) In those cases, the employee must identify the type of leave to be initially used, i.e., vacation, comp., SWP.
 - 2) If IWP is approved by the Risk Management Office, the payroll reports and time book will be adjusted to reflect prior balances.
 - d. Direct the employee to contact EHS as soon as possible but no later than the end of the next business day and note this on the Form 91SP.
 - e. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - 1) When work-flowing the 91SP, "Add Notification" to Personnel Section.
- C. Duties of District/Section/Unit Commander When an Employee is Unable to Appear for Duty Due to Illness or Injury
1. Upon receipt of Form 25S for SWP benefits:
 - a. Review and sign indicating approval or disapproval of the use of SWP benefits.
 - b. Forward the original daily to Personnel Section via the chain of command.
 - c. Maintain a copy in the district/section/unit tickler file.
 - 1) When an employee returns to duty, note the date of return on the unit copy. Send a copy to Personnel Section and transfer the unit copy to the employee's unit Medical Jacket.

2. Upon receipt of a Form 91SP for IWP benefits:
 - a. Review and initial.
 - b. Notify Personnel Section as soon as possible of the illness/injury and date in cases of:
 - 1) On-duty injury or a recurrence of an on-duty injury.
 - 2) A hospitalized employee.
 - 3) Exposure to an infectious disease.
 - c. Make a blotter entry, when appropriate indicating Personnel Section was notified.
 - d. Work-flow the Form 91SP directly to Personnel Section.
3. Inform the bureau commander of cases involving serious injury, illness, or extended illness.

D. Sickness While on Duty

1. An employee becoming ill on duty will report the illness to a supervisor. The supervisor will assist or make arrangements to transport the employee home, to EHS, to a private physician, or a hospital, as conditions determine. The supervisor will prepare a Form 25S as outlined in Section B.1.a.
2. Employees becoming ill while on duty are carried on the Payroll Attendance Report (PAR) and time book as sick for the portion of the day they are absent from their regular tour of duty. Record the off-duty sick time in 15 minute increments.

E. Personnel Injured on Duty

1. Personnel injured on duty will be provided with an employee injury packet to be completed at the initial care facility.
 - a. A packet is not required when treatment is received from EHS.
2. Investigating supervisors will review the treating physician's medical evaluations prior to granting an employee IWP.
3. When a Department employee is injured on duty, a unit supervisor will print a copy of the Form 91SP from ETS.
 - a. **Fax** the copy of the Form 91SP to the:
 - 1) City's current insurance provider.

- 2) Risk Management Office.
- 3) Employee Health Service.
- b. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - 1) When work-flowing the 91SP, "Add Notification" to Personnel Section.
- c. Advise the employee to contact EHS as soon as possible.
 - 1) An employee unable to respond to EHS at the time of injury must notify EHS on the next EHS business day.
 - 2) If an employee is unable to respond or contact EHS due to the seriousness of the injury, Personnel Section will notify EHS of the employee's injury and status.
- d. Carry sworn employees as IWP for the disability period subject to final recommendation and approval by EHS.
 - 1) The day of the injury is considered a working day. Do not charge to IWP.
- e. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of injury, unless they are hospitalized for one day or more.
 - 1) The day of the injury is considered a working day. Do not charge to SWP or IWP.
- f. Carry other full-time non-sworn employees as mandated by Human Resources Policies and Procedures.
- g. Complete Form 91SP even if the employee refuses treatment for a non-visible injury.

F. On-duty Exposure to Life Threatening Infectious Diseases

- 1. Life threatening infectious diseases are generally considered to be viral hepatitis (HAV, HBV, HCV) and human immunodeficiency virus (HIV), which are bloodborne, and tuberculosis (TB), which is airborne.
 - a. Assume all contaminants are infectious. If the source is not clearly known not to be infected, treat as if infected.
 - b. If an employee has contact with a known source of an infectious disease as listed in Section F.1. but not an exposure as listed in Definitions Section, the employee's supervisor should complete a Form 91SP for a "passive exposure".

- 1) The employee receives a copy of the Form 91SP.
- 2) A Form 91SP for a "passive exposure" does not generate a Workers' Compensation number.

2. Treatment

a. All exposures:

- 1) Immediately wash the affected area thoroughly with the antiseptic gel and/or soap with hot water.
- 2) Rinse eyes, mouth, and the interior of the nose thoroughly with plenty of warm water. Expel the water.

b. Passive exposures:

- 1) Do not go to a hospital or other medical care facility for testing or treatment solely for a suspected exposure.
 - a) Medical costs of testing for infectious diseases are not covered by Workers' Compensation. EHS will provide all necessary testing and associated treatment without cost. Should you choose to seek private testing you will be personally responsible for the associated costs.

c. Active exposures:

- 1) If an active exposure or a suspected active exposure exists, respond to University Hospital for testing and treatment.
 - a) Follow-up treatment is handled by EHS.

3. Employee responsibilities:

- a. Immediately report the incident to a supervisor.
- b. Indicate on the Form 527, Arrest and Investigation Report, "Arresting employee exposed to blood/body fluids - court ordered test required".
- c. Call EHS and speak with a nurse or a doctor, not just the receptionist. If EHS is closed, contact them as soon as the office opens for regular hours. Holidays and weekends will not adversely affect treatment. EHS will determine if there is a possible exposure and if an office visit is needed.

4. Supervisor responsibilities:

- a. Request the subject submit to a test for infectious diseases if a suspected exposure occurs. This should be done at University Hospital. Get a signed medical release from the subject so the

hospital will release the test results to EHS or the Police Department.

- 1) Notify EHS of a refusal.
- 2) If for any reason a test is not performed on the subject at the hospital:
 - a) Notify a Hamilton County Justice Center (HCJC) intake supervisor of the exposure and the need for a court ordered blood test.
 - 1] HCJC personnel will obtain the necessary court order on behalf of the Police Department. The arrested will be held until the necessary test can be administered.
 - a] HCJC will notify EHS of the test results, who will in turn notify the member.
 - b. Complete the Form 91SP.
 - 1) Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - a) When work-flowing the 91SP, "Add Notification" to Personnel Section.
 - 2) Fax a copy to Employee Health.
 - a) Scan the medical release into the computer and attach to the the appropriate ETS case folder. Route the original medical release through channels.
 - c. The unit supervisor will contact EHS to be sure the affected employee has notified EHS of the possible exposure and is following the directives of EHS. Notify EHS where and when the subject was tested for infectious diseases, and whether there is a medical release.
5. Personnel Section, when notified by EHS of known exposures involving deceased individuals, will notify the affected employee's district/section/unit commander. Employees will follow the protocol as outlined above.
 - a. Personnel Section will be available to answer questions related to exposures.

G. Notification in Cases of Serious Illness or Injury

1. Each unit will maintain an updated Form 438, Personnel Index Card, for each employee.

- a. The reverse side of the Form 438 contains the following information:
 - 1) Names, addresses, and phone numbers of individuals to be notified in case of an emergency.
 - 2) Name of clergy member if desired.
 - 3) Special instructions by the employee.
- b. Changes to the Form 438 are the employee's responsibility.
- 2. The employee, if conscious, should make the decision whether any personal notifies are to be made.
 - a. If possible, the employee will personally make the call.
- 3. If the employee is unconscious or unable, a supervisor will contact person(s) the employee designated on the Form 438.
 - a. In-person notification will be made.
 - b. Provide transportation of the notified person(s), if needed.
 - c. Consider using a member of the Police Clergy Crisis Team or a Peer Support member to assist with the notification.
 - d. Notify Police Communications Section (PCS) by telephone of the following:
 - 1) Nature and extent of the injury or illness.
 - 2) Location or destination of the injured or ill employee.
 - 3) Whether the person(s) listed for emergency notification were able to be contacted.
 - e. PCS will make the appropriate notifications according to the Situational Occurrences Notification List.

H. Special Leaves

- 1. The Personnel Section Commander has authority to approve the following special leaves in compliance with City/Department policy and procedure and/or current union contract:
 - a. Sick Pay Family (SPF).
 - b. Sick Pay Death (SAD).
 - c. Sick Pay Maternity (SPM).
 - d. Military Training (MT).
 - e. Leave Without Pay (LWP).

- 1) The Department will follow the current City guidelines as outlined in the Human Resources Policies and Procedures, Department procedures, and/or current union contract.
2. Employees requesting special leave will complete two copies of Form 25S as soon as the need for the leave becomes known.
 - a. The original is routed daily through the chain of command to Personnel Section.
 - b. The employee's unit of assignment retains a copy in the employee's Medical Jacket.
 - c. The time book and PAR will reflect the time granted.
- I. Responsibilities of Personnel Section
 1. Serve as the Department liaison with EHS.
 2. Maintain an annual file of Forms 25S pertaining to sick leave.
 3. Maintain a list of personnel confined to a hospital.
 - a. Notify the Police Chief's Office and the Fraternal Order of Police (FOP) of those employees admitted to a hospital.
 4. Advise EHS of:
 - a. Hospitalized employees.
 - b. Employees exposed to an infectious disease.
 - c. Other serious or unusual cases of sick or injured employees.
 5. Send a copy of the sick and injured leave report to EHS weekly containing the information of personnel currently carried as IWP, light duty, and on extended sick leave.
 6. Under special circumstances, and when advised by EHS, notify an employee's unit of assignment of an employee's current duty status. Under normal circumstances, EHS notifies the employee's unit of assignment of duty status and gives the employee a copy of the Form 96 to give to the employee's supervisor.
 7. Receive copies of Forms 25S for special leaves.
 8. Receive and process Form 91SP via ETS for personnel injured on duty.
 - a. Place copies of the Form 91SP in the employee's Medical Jacket.

- b. Complete a Form 74S, Injured with Pay Recommendation, on all approved IWP leaves.
- 9. Finalize the case in ETS.
- J. Tracking Personnel on Extended Sick or IWP Leave, or on Extended Light Duty
 - 1. The district/section/unit commander, who has an employee in an off-duty sick status for seven or more consecutive days (counting off days), or in an extended IWP or light duty status will call or email Personnel Section on Monday between 0800 and 1200 hours and provide the employee's name and the nature of the illness or injury.
 - 2. Personnel Section will provide the Police Chief with a list of Department employees on extended sick or IWP leave, or on extended light duty. Personnel Section will update the list weekly.
 - 3. Personnel Section will function as the liaison with EHS to ensure EHS is aware of employees who are on extended sick or IWP leave, or on extended light duty in the event further medical evaluation is in order.

	FORM 90SP	FORM 34	FORM 18F	FORM 18TBFP	FORM 18C	FORM 18T	FORM 18CI	FORM 18I	FORM 18NC	FORM 648	FORM 91SP
SCAN	OH-1, BMV 3303 (ONLY IF DRIVER CANNOT SHOW PROOF OF INSURANCE)		527, CAD INCIDENT HISTORY, MEDICAL RELEASE (IF TREATED)	527, CAD INCIDENT HISTORY, DOWNLOADED TASER DATA PORT SHEET, MEDICAL RELEASE (IF TREATED)	527, CAD INCIDENT HISTORY, MEDICAL RELEASE (IF TREATED)	ATTACH TO ETS USE OF FORCE CASE FOLDER	527, CAD INCIDENT HISTORY	527, CAD INCIDENT HISTORY, MEDICAL RELEASE (IF TREATED)	HARD COPY OF 527, CAD INCIDENT HISTORY ROUTED BY HAND	SCAN ORIGINAL AND ALSO ENTER INTO ETS EXACTLY AS IT WAS WRITTEN, INCLUDING MISSPELLINGS, PROFANITY, PUNCTUATION, ETC	FAX COPY OF 91SP PRINTED FROM ETS TO RISK MGMT. OFFICE, CITY'S CURRENT INSURANCE PROVIDER
WORK FLOW TO:	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/SECTION/ UNIT COMMANDER THROUGH CHAIN OF COMMAND	SPECIAL SERVICES SECTION COMMANDER	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/SECTION/ UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/SECTION/ UNIT COMMANDER THROUGH CHAIN OF COMMAND	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND BY HAND	DISTRICT/SECTION/ UNIT COMMANDER	DISTRICT/ SECTION/UNIT COMMANDER THROUGH CHAIN OF COMMAND
ADD NOTIFICATION		PATROL, INSPECTIONS	INTERNAL, INSPECTIONS, PATROL	PATROL, INSPECTIONS	PATROL, INSPECTIONS		PATROL, INSPECTIONS	PATROL, INSPECTIONS		INTERNAL. IN CONJUNCTION WITH A USE OF FORCE INVESTIGATION: INTERNAL, INSPECTIONS, PATROL	PERSONNEL
TAPED STATEMENTS			√	EXEMPT UNLESS COMPLAINT OF EXCESSIVE FORCE, OR SUBJECT WAS HANDCUFFED DURING TASER DEPLOYMENT	√		EXEMPT UNLESS SUBJECT HANDCUFFED AT TIME OF USE OR COMPLAINT OF EXCESSIVE FORCE	EXEMPT UNLESS COMPLAINT OF EXCESSIVE FORCE	EXEMPT UNLESS COMPLAINT OF EXCESSIVE FORCE		
PHOTOS	√		√	√	√			√			
ARREST AND INVESTIGATION REPORT			√	√	√		√	√		√	
CAD INCIDENT HISTORY			√	√	√		√	√		√	
MEDICAL RELEASE (IF TREATED)			√	√	√						
SUMMARY OF DOCTOR'S DIAGNOSIS (IF TREATED)			√	√	√			√			

Chief Streicher,

On behalf of the Dayton St Neighborhood association (West End) , Brewery District in historic OTR, and Clifton Heights we would like to take a moment to express our gratitude to the brave officers that were unfortunate targets on 1/10/2006 around the 4900 block of Corinth Ave. near California Ave. in Bond Hill. We want these brave officers to know that we support their efforts and appreciate their dedication and hard work. We asked residents and business owners to sign the enclosed cards to show our support and a speedy recovery for Kristina Holtmann. There are many concerned residents that are eager to see real changes in the neighborhoods and we think these officers are critical to making safety a reality in our City.

Sincerely yours

Kyhm Hale-McCarty, Dayton St Neighborhood Association, West End
Jim Wilson, Clifton Heights Improvement Association
John Donaldson, Brewery District



U.S. Department of Justice
Civil Rights Division

Criminal Section - PHB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

FEB 15 2006

Colonel Thomas H. Streicher, Jr.
Chief of Police
Cincinnati Police Department
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Dear Colonel Streicher:

The United States Department of Justice recently completed its investigation concerning allegations that former Cincinnati Police Officer Stephen D. Roach violated federal criminal civil rights law when he fatally shot Timothy Thomas on April 7, 2001.

After carefully considering the information obtained during the investigation, and in consultation with the U.S. Attorney's Office for the Southern District of Ohio, the Civil Rights Division has concluded that the evidence is not sufficient to establish a prosecutable violation of the federal criminal civil rights statutes. Accordingly, we have closed our investigation.

This Division is dedicated to the enforcement of federal criminal civil rights statutes. We appreciate your cooperation in our shared responsibility to ensure the impartial and effective enforcement of our laws.

Sincerely,

Mark J. Kappelhoff
Section Chief
Criminal Section
Civil Rights Division



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
SOUTHWESTERN OHIO CHAPTER
4015 Executive Park Drive, Suite 215
Cincinnati, OH 45241-2080
Phone (513)769-6800
Fax (513)769-6801
maddswoh@fuse.net
www.madd.org/oh/southwestern

February 8, 2006

Officer Howard Grant
Cincinnati Division of Police
310 Ezzard Charles Drive
Cincinnati, OH 45214

Dear Officer Grant:

On behalf of Mothers Against Drunk Driving (MADD) Southwestern Ohio Affiliate, I want to thank you for getting one of the worst offenders (**Quentin M. Austin for his 5th OVI on 09/01/05**) off the streets and highways and appreciate your continued efforts to help stop drunk driving and making Ohio highways safe.

As Executive Director of Mothers Against Drunk Driving, Southwestern Ohio Affiliate, I would like to commend you for the diligence and skill that has enabled you to arrest one of Ohio's habitual offenders and to have those efforts recognized in the "*Hot Sheet News*."

MADD knows your work and commitment to protecting the public is a dangerous task, yet you perform your duties with vigilance and professionalism which is admired by many and worthy of being recognized. Often yours is a thankless mission, but our Affiliate and MADD members across Ohio would like you to know that we are deeply grateful for the work you perform.

We at MADD recognize all the unheralded police officers who watch over our nation's roadways as our first line of defense against drunk drivers. We applaud the hard work and dedication you have shown Officer Grant and congratulate you on this recognition. **MADD is hosting an Ask Event Fundraiser Breakfast at the Ramada Inn, Rt. 4 and 275 West on 4/11/06 at 7:30am.** We would love to have you attend. Just give us a call at 513/769-6800 if you plan to attend.

Once again thank you, by working together we can make a difference.

Sincerely,

Andrea C. Rehkamp, R.A.

Executive Director

MADD Southwestern Ohio Affiliate

ACR:gh

Chief Streicher,

On behalf of the Dayton St Neighborhood Association (West End), Brewery District in historic OTR, and Clifton Heights we would like to take a moment to express our gratitude to the brave officers that were unfortunate targets on 12/29/2005 in West Clifton near Parker in Clifton Heights. We want these brave officers to know that we support their efforts and appreciate their dedication and hard work. We asked residents and business owners to sign the enclosed cards to show our support for Jennifer Luke and a speedy recovery for Brian Trotta. There are many concerned residents that are eager to see real changes in the neighborhoods and we think these officers are critical to making safety a reality in our City.

Sincerely yours

Kyhm Hale-McCarty, Dayton St Neighborhood Association, West End
Jim Wilson, Clifton Heights Improvement Association
John Donaldson, Brewery District

REAL ESTATE INVESTORS ASSOCIATION OF GREATER CINCINNATI
525 West 5th St., Suite 228
Covington, KY 41011
www.CincinnatiREIA.com

Office: 859-292-REIA
Fax: 859-581-5993

February 12, 2006

Mayor Mark Mallory
City Hall
801 Plum St.
Cincinnati, Ohio 45202

Dear Mayor Mallory,

As President of the Real Estate Investors Association of Greater Cincinnati (REIA) and on behalf of our Board, and all of our members I would like to thank the City of Cincinnati, the Cincinnati Police Department and especially Police Specialist Kelly Raker for her wonderful presentation for REIA on February 2, 2006 entitled Drug Eviction Education.

P.S. Raker explained not only the responsibilities of property owners, but offered hope and the resources necessary for us to combat drug activity in our communities. Her handouts included the "Citizen's Guide to Community Action", a very helpful pamphlet about addressing nuisance complaints and neighborhood blight.

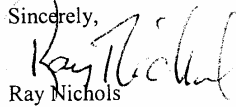
Everyone needs to hear her message to recognize the signs of drug activity. She previously spoke at our meeting last July and this year the attendees were, once again, close to 200 people.

REIA is a non-profit, volunteer-run, education organization. With over a 1,000 members we are diversified across age, gender, race, economic and cultural lines. What our members have in common is a desire to better themselves through education and investing in our communities.

As property owners and investors I don't think you'll find a group more appreciative of P.S. Raker's presentation or more supportive of our local police. REIA is a strong supporter of crime reduction and increasing safe housing opportunities.

Please thank everyone involved for making this valuable program available.

Sincerely,


Ray Nichols
President

P.S. We appreciate your efforts to revitalize Cincinnati through teamwork. Please consider REIA a member of your team. Together we can build a better community.

✓ cc: Chief Streicher
Cincinnati City Council
City Manager Rager

February, 2006

Dear Captain Schmalz and all Friends at District 4:

Every once in a while in our lives we all need someone to walk with us, to hold our hand, to tell us everything is going to be alright ... or to give us a shoulder and gentle encouragement when everything is not alright.

You have been that person for thousands of families who find a home at Ronald McDonald House while their critically ill children are treated at Cincinnati Children's.


This Valentine's Day, we wanted to take a moment to let you know that you are a very special part of what happens here. Every day, we get to see 48 families whose lives are made easier because of your compassion and generosity.

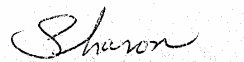
One evening last week as we were leaving to go home to our children, we saw a dad and his young son snuggling on the couch enjoying a Disney video together. They looked like they had had a long day, and the son was obviously going through chemotherapy treatment. The father held his child, and they had fallen asleep together as comfortable as if they were on their own couch at home. You help make it possible for families who are going through times like this to keep some sense of normalcy – and to enjoy these moments that we all take for granted – during a time when it is needed most.

Thanks to your love and support, mothers prepare favorite meals in our kitchens for their youngsters whose appetites might not be the best at the moment. Parents play with their children in our playrooms in between outpatient treatments, and every day families from around the world support each other over a cup of coffee at our kitchen tables.

Please know that we are truly grateful for everything you do to make these moments possible for our guest families at Ronald McDonald House. May these valentine chocolates and the enclosed picture from one of our guest children speak volumes to you about how much we appreciate you today and always.

Happy Valentine's Day,


Jennifer L. Goodin
Executive Director


Sharon D. Hill
Development Director



RAYMOND T. FALLER CO., LPA

Attorney at Law

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February 10, 2006

Thomas Streicher, Jr., Chief
Cincinnati Police Department
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Dear Tom:

On February 1st my nephew, Michael J. Collins, died in his apartment on Gholson Avenue of a self-inflicted gunshot wound. As you can imagine, my sister and brother-in-law, Pat and Dan Collins, are devastated.

I received a call that afternoon from Lieutenant Chris Ruehmer of District 4. When I arrived at the scene I found Homicide Detective Matt Thompson with my brother-in-law. As we were leaving Will Thomas, with Christ Emmanuel Christian Fellowship, approached and offered to assist us as a chaplain.

My sister intends to write personal notes to thank the officers who helped them that terrible day. She said the beat officer was especially kind and helpful. Lt. Ruehmer told me that Officers Scott Beasley and Will Simpson from District 4 were on the scene. I am not sure who did what but they provided tremendous assistance.

On behalf of our family, I retrieved Mike's belongings from the Coroner's office. I also spoke at length with Detective Thompson. Earlier today I met with Lieutenant Ruehmer. I have not yet reached Officers Beasley and Simpson.

All these men carried out their duties in a most professional manner. Please convey our thanks to them. We commend them for their service in these darkest hours of our lives.

Nothing will change our pain, but thank God for you, these particular officers and all the officers who serve our community. God bless all of you.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Faller', enclosed within a simple, hand-drawn oval shape.

Raymond T. Faller

RTF/dms
